



**HISTORY  
OF  
THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF IOWA  
1882-2000**

## ORIGINAL PREFACE (1987 History)

This history was written to honor the nation's bicentennial anniversary and to provide the public with an overview of the development of the Northern Judicial District of Iowa. Because little information about the court and its personnel had been preserved, the preparation of this history, from 1882 through 1987, was a difficult task. For this early work on behalf of The Northern District of Iowa Branch of The Eighth Circuit Historical Society, we would like to express special thanks to Judge McManus' Law Clerk, Diana Vance-Bryan for her research and writing assistance and to Chief Judge Donald E. O'Brien, Magistrate Judge James D. Hodges, Jr., and Clerk of Court William J. Kanak and his predecessors Kenneth W. Fuelling of Roswell, New Mexico, and Lee McNeeley of Dubuque, Iowa, for sharing their records and recollections. We would also like to acknowledge the efforts of the following individuals, each of whom contributed in a special way to the writing of this court's history: Former Chief Probation Officer, Edward L. Anderson; Chief Probation Officer, Michael E. Ebinger; Marshal James P. Jonker; Bankruptcy Law Clerk, Michael R. Nelson; and, Judge McManus' Secretary, Taletha M. Plagman.

Frank J. Margolin,\* Sioux City  
Senior Judge, Edward J. McManus, Cedar Rapids  
July 31, 1987

---

\*Frank J. Margolin, a prominent trial attorney with personal knowledge of the court's history, tried cases before every judge of this court since Judge Scott's appointment in 1924 until Margolin died on July 13, 1990.

## **PREFACE UPDATE**

This update of the History of the Northern District of Iowa has been completed at the request of the Historical Society of the Eighth Circuit Court of Appeals which expressed the opinion that the History should be brought up to the year 2000. The July 31, 1987, History covering 1882 through 1987 was a fine, well-documented basis for this update. On behalf of the Northern District of Iowa Branch of the Eighth Circuit Historical Society, we would like to express special thanks to the Honorable Edward J. McManus, the Honorable Michael J. Melloy, Chief Judge Mark W. Bennett, the Honorable David R. Hansen, the Honorable William L. Edmonds, the Honorable Paul J. Kilberg, the Honorable John A. Jarvey, and the Honorable Paul A. Zoss for sharing their records and recollections. We'd also like to acknowledge the efforts of the following individuals, each of whom contributed in a special way to the completion of this Court's updated history: Nelma DeBauche, former secretary to the Honorable Donald E. O'Brien; Jami L. Gollhofer, legal administrative assistant to the Honorable Donald E. O'Brien; James D. Hodges, Jr., Clerk of the District Court; Karo Stigler, secretary to the Honorable John A. Jarvey, Chief Magistrate Judge; Rick Hunt, Assistant Automation Specialist; Bryan Woodward, Systems Specialist; and Roger Mastalir, Law Clerk to Chief Judge Mark W. Bennett.

Senior Judge Donald E. O'Brien, Sioux City.  
April 30, 2003

## CONTENTS

<b>ORIGINAL PREFACE (1987 History)</b> .....	i
<b>PREFACE UPDATE</b> .....	ii
<b>CREATION AND EARLY HISTORY</b> .....	1
<b>JUDGES AND COURT PERSONNEL</b> .....	6
Judge Oliver Perry Shiras .....	8
Judge Henry Thomas Reed .....	13
Judge George Cromwell Scott .....	16
Judge Henry Norman Graven .....	21
Judge Edward Joseph ("Nick") McManus .....	27
Judge William Cook Hanson .....	40
Judge Donald Eugene O'Brien .....	44
Judge David Rasmussen Hansen .....	50
Judge Michael J. Melloy .....	54
Judge Mark W. Bennett .....	57
Judge Linda R. Reade .....	60
<b>BANKRUPTCY</b> .....	62
<b>UNITED STATES MAGISTRATE JUDGES</b> .....	67
Magistrate Judge James Denton Hodges .....	69
Magistrate Judge John A. Jarvey .....	71
Magistrate Judge Paul A. Zoss .....	73
<b>HONORABLE MARTIN D. VAN OOSTERHOUT</b> .....	75
<b>CLERKS OF THE DISTRICT COURT</b> .....	77
<b>THE PROBATION OFFICE</b> .....	83
<b>THE COURT'S REPORTERS</b> .....	91
<b>COURTROOM TECHNOLOGY ADVANCEMENTS</b> .....	93
<b>FEDERAL PUBLIC DEFENDER'S OFFICE</b>	
<b>NORTHERN DISTRICT OF IOWA</b> .....	95
<b>STRUCTURES THAT HAVE HOUSED THE COURT</b> .....	96
<b>APPENDIX A</b> .....	98
Judges of the United States District Court .....	98
Table of Succession .....	98
United States District Judges .....	99
Bankruptcy Referee And Judges .....	99
United States Magistrate Judges .....	99

Clerks Of The District Court . . . . .	100
Chief Deputy Clerks Of The District Court . . . . .	100
Deputies In Charge Of The Sioux City Office . . . . .	100
Deputy Clerks That Have Served The District Court	
At Least Ten Years . . . . .	100
Courtroom Deputies Of The District Court . . . . .	101
Former Deputy Clerks, Northern District Of Iowa . . . . .	102
Active Deputy Clerks, Northern District Of Iowa . . . . .	103
Clerks Of The Bankruptcy Court . . . . .	103
Deputy Bankruptcy Clerks That Have Served	
The District Court For At Least Ten Years . . . . .	104
Active Bankruptcy Deputy Clerks,	
Northern District Of Iowa . . . . .	104
United States Attorneys . . . . .	105
Active Employees of the United States	
Attorney’s Office . . . . .	105
Federal Public Defenders . . . . .	107
Assistant Federal Public Defenders . . . . .	107
Federal Public Defender Support Staff . . . . .	107
Marshals . . . . .	108
Deputy United States Marshals Service	
Northern District Of Iowa . . . . .	108
Chief Probation Officers . . . . .	109
Probation Officers . . . . .	110
Probation Office Support Staff . . . . .	110
Court Reporters . . . . .	111
Secretaries . . . . .	112
Law Clerks . . . . .	113
<b>APPENDIX B, Map of the Northern District of Iowa . . . . .</b>	<b>120</b>
<b>APPENDIX C, Statistical data . . . . .</b>	<b>121</b>
<b>APPENDIX D, Creation of the Northern District . . . . .</b>	<b>131</b>

## CREATION AND EARLY HISTORY

The United States District Court for the Northern District of Iowa is a creature of federal statute.<sup>1</sup> Though technically existing for just over one hundred eighteen years, its real origin dates back to 1845 when Congress provided for Iowa's admission to the Union.<sup>2</sup> The court's subsequent history has been interwoven with the history, economic growth, and population expansion of Iowa as well as of the United States.

On March 3, 1845, Congress provided for the state's admission to the Union, established one judicial district, called the District of Iowa, and created a court known as the United States District Court for Iowa.<sup>3</sup> The following year, President Polk appointed John J. Dyer of Dubuque to serve as the court's first district judge.<sup>4</sup>

Judge Dyer held the court's first session in Burlington, Iowa, on October 15, 1849.<sup>5</sup> He continued to hold court until his death in 1856.<sup>6</sup> During his years on the bench, Judge Dyer witnessed the separation of the district into three divisions.<sup>7</sup> In 1849, Congress

---

<sup>1</sup>See U.S. Const. Art. III, § 1; Act of Mar. 3, 1845, ch. 76, § 2, 5 Stat. 789.

<sup>2</sup>See Act of Mar. 3, 1845, ch. 48, § 1, 5 Stat. 742; L. Sage, *A History of Iowa* 87 (1974). Although President Tyler signed the Act admitting Iowa to the Union on March 3, 1845, the Act qualified the admission on the acceptance of certain state boundaries. The boundary issue remained unresolved until 1846. *Id.* at 89-91.

<sup>3</sup>Act of Mar. 3, 1845, ch. 76, § 2, 5 Stat. 789 ("An Act supplemental to the act for the admission of the States of Iowa and Florida into the Union.").

<sup>4</sup>See N. Reed, *Southern Judicial District of Iowa*, 30 *Annals of Iowa* 123, 123 (1949-1951).

<sup>5</sup>*Id.*

<sup>6</sup>*Id.*

<sup>7</sup>See *infra* text accompanying note 8. When the divisions were established, they determined where the judge would regularly hold court within the district. See generally R. Richardson & K. Vines, *The Politics of Federal Courts - Lower Courts*

divided the district into Northern, Middle, and Southern Divisions and directed that annual terms of court be held at Dubuque, Iowa City, and Burlington.<sup>8</sup>

---

*in the United States* 38-39 (1970). Separation of the district into divisions made court attendance more convenient for attorneys, witnesses, and litigants. At the time the divisions were created, travel was primarily by railroad and by horse and buggy. Since that time, however, automobile and air travel have supplanted travel by rail and have reduced the need to hold court at various places. See H.R. Rep. No. 2324, 58<sup>th</sup> Cong. 2d Sess. (1904), reprinted in *4 Congress and the Courts: A Legislative History - 1787-1977*, at 6301 (B. Reams, Jr. & C. Haworth eds. 1978); H.R. Rep. No. 1111, 56<sup>th</sup> Cong., 1<sup>st</sup> Sess. (1900), reprinted in *4 Congress and the Courts: A Legislative History - 1778-1977*, at 6243 (B. Reams, Jr., & C. Haworth eds. 1978).

<sup>8</sup>Act of Mar. 3, 1849, ch. 124, 9 Stat. 410. Terms of court required the district court to sit at specified times at designated places throughout the district. The origin of terms has been explained by Chief Judge Lehman as follows:

In the English common-law courts, terms were “instituted” or were “gradually formed from the canonical constitutions of the church”. It is said that in early times “the church interposed and exempted certain holy seasons from being profaned by the tumult of forensic litigation”. Later, when the State alone exercised authority in common-law courts, “the commencement and duration of our law terms were appointed with an eye to these canonical prohibitions”. 3 Blackstone’s Com. Ch. XVIII, 275, 276. This court, speaking through Commissioners of Appeals, has said that in common-law courts as distinguished from courts of equity, “strict judicial business could only be transacted at these terms, though, after a time, many incidental matters were transacted out of court. (3 Blackstone’s Com. 275, 279; Spelman’s Origin of Terms, passim). The terms of court, thus, have a purely historical character, and there is no reason, in the nature of judicial business, why they should exist, nor why such business should be confined to them.” *Brown v. Snell et al.*, 57 N.Y. 286, 300.

*McDonald v. Colden*, 294 N.Y. 172, 61 N.E.2d 432, 433 (9145).

In 1849, Congress declared that the annual term at Dubuque would commence on the first Monday in January, the annual term at Iowa City would commence on the first Monday in October, and the annual term at Burlington would commence on the first Monday in June. Act of Mar. 3, 1849, ch. 124, 9 Stat. 410. The formal terms were changed several times before being abolished in 1963. See Act of Feb. 26, 1853, ch. 82, § 1, 10 Stat. 171-72 (increasing regular court terms from 3 to 6); Act of Mar. 3, 1859, ch. 85, § 5, 11 Stat. 437 (changing times of the 6 regular

Judge Dyer's successor was James M. Love of Keokuk, Iowa. Love was born in Fairfax, Virginia, in 1820 and migrated to Keokuk in 1850.<sup>9</sup> President Pierce appointed Love as district judge in February of 1856.<sup>10</sup> When Judge Love died in 1891, he had served as an active judge for thirty-five years.<sup>11</sup>

During Judge Love's tenure on the bench, Congress made several changes in the district's conformation. In 1859, Congress reapportioned the district into northern, southern, and western divisions and designated Dubuque, Keokuk, and Des Moines as the places for holding court.<sup>12</sup> Congress added a central division by Act of June 30,

---

court terms); Act of June 30, 1870, ch. 178, § 2, 16 Stat. 174 (increasing number of regular court terms to 8 when a fourth division was established by § 1 of same Act); Act of July 20, 1882, ch. 312, §§ 1, 5, 7, 22 Stat. 172, 172-73 (creating Northern Judicial District of Iowa (§ 1), dividing Northern District into 3 divisions (§ 5), and establishing 2 regular court terms for each division (§ 7)); Act of Feb. 23, 1884, ch. 8, § 1, 23 Stat. 3 (changing times for holding 3 of the 6 regular court terms for the Northern District); Act of Apr. 19, 1888, ch. 127, § 1, 25 Stat. 87 (changing times for holding 4 of the 6 regular court terms for Northern District); Act of Feb. 24, 1891, ch. 282, §§ 1-2, 26 Stat. 767 (creating Cedar Rapids division of Northern District (§ 1) and fixing 2 regular terms for holding court in the new division (§ 2)); Act of Feb. 20, 1907, ch. 1137, § 1, 34 Stat. 912 (changing times for holding 7 of the 8 regular court terms for Northern District); Act of Mar. 3, 1911, ch. 231, § 81, 36 Stat. 1087, 1111 (increasing number of regular court terms for Northern District to 10 with addition of Waterloo as a court point); Act of Mar. 3, 1913, ch. 122, 37 Stat. 734 (lists 10 regular court terms unchanged from 1911 Act); Act of Feb. 23, 1916, ch. 23, 39 Stat. 12 (same); Act of Apr. 27, 1916, ch. 90, 39 Stat. 55 (same); Act of Mar. 4, 1923, ch. 256, 42 Stat. 1483 (increasing number of regular court terms for Northern District to 12 with the addition of Mason City as a court point); § 156, 44 Stat. 863, 880 (lists 12 regular court terms unchanged from 1923 Act); Act of Oct. 16, 1963, Pub. L. No. 88-139, § 1, 77 Stat. 248 (codified at 28 U.S.C. § 138) (abolishing all terms of court).

<sup>9</sup>N. Reed, *supra* note 4, at 123.

<sup>10</sup>*Id.*

<sup>11</sup>*Id.* at 123-24.

<sup>12</sup>Act of Mar. 3, 1859, ch. 85, § 5, 11 Stat. 437.

1870, increasing to four the number of divisions.<sup>13</sup> The designated court point for the central division became Des Moines and the court site for the western division was changed to Council Bluffs.<sup>14</sup> Then in 1882, Congress divided the judicial district in two.<sup>15</sup> The existing district court became the district court for the Southern District of Iowa and the district court for the Northern District of Iowa was created.<sup>16</sup> For the purpose of holding terms of court, Congress divided the two districts into Eastern, Central, and Western Divisions and designated the cities of Keokuk, Des Moines, Council Bluffs, Dubuque, Fort Dodge, and Sioux City as court points.<sup>17</sup> Congress also declared that the then present judge of the district court, Judge Love, would serve as District Judge for the Southern District and directed the President to appoint someone to serve as judge of the Northern District.<sup>18</sup>

Acting almost immediately upon Congress' directive, President

---

<sup>13</sup>Act of June 30, 1870, ch. 178, § 1, 16 Stat. 174; *see* Tit. 13, ch. 1, § 537, 1873 Rev. Stat. 88, 89.

<sup>14</sup>Tit. 13, ch. 4, § 572, 1873 Rev. Stat. 97, 98.

<sup>15</sup>Act of July 20, 1882, ch. 312, § 1, 22 Stat. 172; *see* Appendix D.

<sup>16</sup>*Id.* The Northern District originally included “[T]he counties of Clinton, Jones, Linn, Benton, Black Hawk, Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida, Monona, and all the counties north of those named....” *Id.* Today, the Northern District comprises the counties of: Benton, Cedar, Grundy, Hardin, Iowa, Jones, Linn, and Tama (Cedar Rapids division); Allamakee, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Howard Jackson, Mitchell, and Winneshiek (eastern division); Buena Vista, Cherokee, Clay, Crawford, Dickinson, Ida, Lyon, Monona, O’Brien, Osceola, Plymouth, Sac, Sioux, and Woodbury (western division); and Butler, Calhoun, Carroll, Cerro Gordo, Emmet, Franklin, Hamilton, Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas, Webster, Winnebago, Worth, and Wright (central division). Act of June 25, 1948, ch. 646, § 95, 62 Stat. 869, 879.

<sup>17</sup>Act of July 20, 1882, ch. 312, §§ 5-6, 22 Stat. 172.

<sup>18</sup>*See id.* § 2.

Arthur appointed Oliver Perry Shiras of Dubuque.<sup>19</sup> Shiras' abilities were so widely recognized and his qualifications so outstanding that his was the only name to be suggested and his appointment received the unanimous approval of the bar.<sup>20</sup>

After Judge Shiras entered on duty, Congress made few significant changes in the Northern District. In 1891, Congress added the Cedar Rapids division with court to be held in Cedar Rapids.<sup>21</sup> Subsequently, Waterloo and Mason City were added as designated court points.<sup>22</sup>

The first term of court in the Northern District of Iowa convened at Dubuque on November 21, 1882.<sup>23</sup> The dates of the first terms held at the other court points are as follows:

Fort Dodge, January 16, 1883;  
Sioux City, February 13, 1883;  
Cedar Rapids, September 8, 1891;  
Waterloo, Mary 14, 1912;  
Mason City, June 26, 1923.<sup>24</sup>

---

<sup>19</sup>The appointment was in August 1882. See The Bicentennial Committee of the Judicial Conference of the United States, *Judges of the United States* (2d ed. 1983) [hereinafter cited as Bicentennial Committee]; E. Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa* 168 (1916).

<sup>20</sup>*Tribute to Judge Shiras*, Dubuque Times J., Jan. 6, 1916.

<sup>21</sup>Act of Feb. 24, 1891, ch. 282, § 1, 26 Stat. 767.

<sup>22</sup>See Act of Mar. 3, 1911, ch. 231, § 81, 36 Stat. 1087, 1111 (Waterloo); Act of Mar. 4, 1923, ch. 256, 42 Stat. 1483 (Mason City).

<sup>23</sup>L. McNeely, Northern Judicial District of Iowa 10 (Mar. 31, 1949) (unpublished manuscript).

<sup>24</sup>*Id.*

## JUDGES AND COURT PERSONNEL

Since its creation in 1882, eleven judges have served the district court for the Northern District of Iowa. The judges each have had a personal staff. The early judges employed a crier for the court<sup>25</sup> and a personal secretary.<sup>26</sup> The more recent judges have added law clerks to assist with legal research activities.<sup>27</sup>

In the 1980's, Chief Judge O'Brien, Judge Hansen, and Senior Judge McManus each employed two law clerks and a secretary. Senior Judge Hanson, officing in Des Moines, had one law clerk and one secretary. The law clerks perform the crier duties. In recent years, the Judges have been allocated additional law clerks.

The procedure of the court is governed by the federal rules of civil and criminal procedure and by local rules that are shared with the Southern District and revised periodically. Copies of the rules are available to assist attorneys and may be obtained from the clerk of court's office. The clerk's office of the Northern District of Iowa is headquartered in Cedar Rapids and is staffed by the clerk, chief deputy

---

<sup>25</sup>See Act of Feb. 1853, § 1, 10 Stat. 165, reprinted in F. Brightly, *Analytical Digest of the Laws of the United States - 1789-1857*, at 200 (1858); A. Conkling, *Treaties on the Organization, Jurisdiction and Practice of the Courts of the United States* 99 (1831) (citing Act of Feb. 28, 1799, (vol. 3, p. 133, § 7)); see also 28 U.S.C. § 755 (1976).

<sup>26</sup>See Act of June 25, 1948, ch. 646, § 752, 62 Stat. 869, 921. Although prior law had fixed the compensation of secretaries, no provision expressly authorized their appointment. 28 U.S.C.A. § 752 (1968) (historical note).

<sup>27</sup>See Act of Feb. 17, 1936, ch. 75, 49 Stat. 1140 (authorizing only selected district court judges to obtain law clerks); Act of June 25, 1948, ch. 646, § 752, 62 Stat. 869, 921 (authorizing district judges to appoint a law clerk upon certification of necessity); Act of Sept. 1, 1959, Pub. L. No. 86-221, 73 Stat. 452 (authorizing district judges to appoint necessary law clerks subject to an aggregate salary limitation imposed by law); Act of Oct. 21, 1965, Pub. L. No. 89-281, 79 Stat. 1012 (authorizing appointment of crier-law clerks); R. Carp & R. Stidham, *The Federal Courts* 78-79 (1985) (tracing history of use of law clerks). See Appendix A for the names of those individuals who have served as law clerks in the Northern District to date.

clerk, and thirteen deputy clerks. The clerk's divisional office, located in Sioux City, is staffed by the deputy in charge and seven deputy clerks.

Other personnel of the court include court reporters, two full-time magistrate judges, bankruptcy court personnel, probation officers and their support staff, and the marshal and his support staff.

The biographical sketches of individuals who have served the court appear in the sections that follow. The focus is on individuals because they comprise the court and the greatest attention is given to the judges because they have been primarily responsible for shaping the court's basic character.



**Judge Oliver Perry Shiras  
(1833-1916)**

**Served 1882-1903**

*Photograph courtesy of the  
State Historical Society of Iowa*

Oliver P. Shiras was born October 22, 1833, in Pittsburgh, Pennsylvania,<sup>28</sup> the third son of George and Eliza (Herron) Shiras.<sup>29</sup> For his early education, he traveled by buckboard from the family arm to an “academy” that was located along the Ohio River and about twenty miles from Pittsburgh. There, he practiced reading from McGuffey’s Readers and learned about his country from Morse’s American Geographies.<sup>30</sup>

He continued his education at Ohio University at Athens, entering the preparatory branch in 1848.<sup>31</sup> After graduating from the university in 1853 with the degree of A.B., he studied natural sciences

---

<sup>28</sup>O. Shiras, Address at the Dubuque County Bar Association Banquet *The Dubuque Bar of the Past* 5 (Oct. 22, 1914) (available in Iowa State Historical Society Library).

<sup>29</sup>W. Shiras, *Justice George Shiras Jr. of Pittsburgh* 21 (1953); E. Stiles, *supra* note 19, at 167.

<sup>30</sup>W. Shiras, *supra* note 29, at 21, 23.

<sup>31</sup>*Id.* at 42.

for one year at Yale and became determined to be a lawyer.<sup>32</sup> He then entered the Yale Law School, graduating with the degree of LL.B. in the spring of 1856.<sup>33</sup>

Following his graduation from Yale, he traveled to what was then the northwest.<sup>34</sup> After a brief stay in St. Paul, he decided to return to Chicago to begin his life's work. The return trip to Chicago from St. Paul took him through Dunleith, which is now East Dubuque. Arriving in Dunleith on Saturday afternoon, he was forced to wait until Sunday evening to board the next Chicago train. While in Dunleith, he called upon former Pittsburgh friends and classmates. Before long, the group had persuaded him that Dunleith was the city of opportunity where he should locate.<sup>35</sup>

Shortly thereafter, he began to study the Iowa Code. At the opening of its August term in 1856, the Dubuque district court admitted him to the Iowa bar.<sup>36</sup> He then became the junior member of the firm Bissell, Mills & Shiras.<sup>37</sup> In 1861, Mr. Mills retired and the firm assumed the name of Bissell & Shiras.<sup>38</sup>

Early in the Civil War, he joined the Union forces. In August of 1862, he was commissioned a first lieutenant and quartermaster in the Twenty-Seventh Regiment of Iowa Volunteers.<sup>39</sup> He did not, however, serve with his regiment, as he was transferred to staff duty as

---

<sup>32</sup>O. Shiras, *supra* note 28, at 5; E. Stiles, *supra* note 19, at 167.

<sup>33</sup>O. Shiras, *supra* note 28, at 5-8.

<sup>34</sup>*Id.*

<sup>35</sup>*Id.*; *Dubuque's Benefactor*, *Dubuque Times J.*, Jan. 8, 1916 (available in Iowa State Historical Society Library).

<sup>36</sup>O. Shiras, *supra* note 28, at 8.

<sup>37</sup>*Id.*

<sup>38</sup>E. Stile, *supra* note 19, at 168; *see* Bicentennial Committee, *supra* note 19, at 450.

<sup>39</sup>*See* W. Shiras, *supra* note 29, at 66; E. Stiles, *supra* note 19, at 168.

aide to his cousin, Brigadier-General F.J. Herron, who was in command of the Third Division of the Army of the Frontier which was being organized in Missouri. Shiras served as aide and judge advocate of General Herron's staff and campaigned with the Army of the Frontier in Missouri, Arkansas, Mississippi, and Louisiana until 1864, when General Herron was ordered to Brownsville, Texas.<sup>40</sup>

Shiras then returned to Dubuque to practice law. In 1867 his partner, Frederick E. Bissell, died and the firm became Shiras, Ballou & Van Duzee.<sup>41</sup> Soon thereafter, Mr. Ballou left and Colonel D.B. Henderson was joined. The firm then became Shiras, Van Duzee & Hunderson.<sup>42</sup> He continued to actively practice law in Dubuque until August 1882, when President Arthur appointed him judge of the newly created United States District Court for the Northern District of Iowa.<sup>43</sup>

While on the court, Judge Shiras demonstrated his versatility and superior qualifications by being called upon frequently to sit in Minnesota, the Southern District of Iowa, Missouri, Arkansas, Kansas, Nebraska, and South Dakota and with other judges on the Court of Appeals for the Eighth Circuit.<sup>44</sup> His opinions, which are scattered throughout the early volumes of the Federal Reporter, are distinguished for their clarity and brevity. A reflection of the times, a majority of the opinions involve bankruptcies and the rights and liabilities of the railroads.<sup>45</sup>

---

<sup>40</sup>See W. Shiras, *supra* note 29, at 66-67; E. Stiles, *supra* note 19, at 168.

<sup>41</sup>E. Stiles, *supra* note 19, at 168.

<sup>42</sup>*Id.*

<sup>43</sup>*Id.*; Bicentennial Committee, *supra* note 19, at 450.

<sup>44</sup>E. Stiles, *supra* note 19, at 168.

<sup>45</sup>This information is gained from examination of Judge Shiras' published opinions. For a description of the development of the railroad industry and the State economy during Judge Shiras' tenure, see the Federal Writers' Project of the Works Progress Administration for the State of Iowa, *Iowa-A Guide to the Hawkeye State* (1938) [hereinafter cited as Federal Writers' Project]; L. Sage, *supra* note 2.

Judge Shiras compiled *Equity Practice in the United States Circuit Courts* and in 1886, received an honorary LL.D. degree from Yale University.<sup>46</sup>

He served with distinction for twenty-one years until in November of 1903, he retired from the bench.<sup>47</sup> He was then age seventy.

Judge Shiras remained active as a civic benefactor. His two principal interests after retirement were the Carnegie Free Public Library of Dubuque, of which he became president of the board, and the city's public park system, of which he was chairman for a number of years.<sup>48</sup> He also served as trustee of the Finley Hospital.<sup>49</sup> When he died on January 7, 1916, he was declared, "Dubuque's most distinguished citizen."<sup>50</sup>

Judge Shiras was married twice. In 1857, he married Elizabeth Mitchell of Springfield, Ohio.<sup>51</sup> They had four children.<sup>52</sup> He was survived by his second wife, Hetty; one daughter, Isabella Shiras (Van Vliet); one granddaughter, Dana Pugh; and one brother,

---

<sup>46</sup>Bicentennial Committee, *supra* note 19, at 450.

<sup>47</sup>See E. Stiles, *supra* note 29, at 210.

<sup>48</sup>See *id.*; W. Shiras, *supra* note 29, at 210.

<sup>49</sup>E. Stiles, *supra* note 19, at 168.

<sup>50</sup>*Dubuque's Benefactor, supra* note 35, *Noted Iowan Goes to Rest*, Dubuque Times J., Jan. 8, 1916 (available in Iowa State Historical Society Library).

<sup>51</sup>W. Shiras, *supra* note 29, at 61.

<sup>52</sup>*Id.*

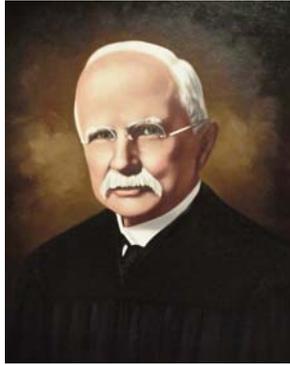
George Shiras, formerly an associate justice of the United States Supreme Court.<sup>53</sup>



**SHIRAS MEMORIAL - DUBUQUE**

---

<sup>53</sup>See Bicentennial Committee, *supra* note 19, at 450; *Noted Iowan Goes to Rest*, *supra* note 50.



**Judge Henry Thomas Reed**  
**(1846-1924)**  
**Served 1904-1921**

Judge Reed was born October 1, 1846, in Alburg, Vermont, the son of George and Jane Reed.<sup>54</sup> The family moved to a farm in Howard County, Iowa, in 1855 and there Judge Reed attended public schools and Craig Academy.<sup>55</sup> After leaving the academy, he worked two years as deputy county clerk of Howard County (1865-1866), then spent the next several years working as a clerk in the bank of Kimball & Farnsworth.<sup>56</sup> Although his early plans were to study medicine, he began to study law privately while employed as a bank clerk. He surprised even his nearest friends when he was admitted to the bar in 1870.<sup>57</sup>

---

<sup>54</sup>Bicentennial Committee, *supra* note 19, at 412-13.

<sup>55</sup>*Judge H.T. Reed Called by Death*, Cresco Plaindealer, Feb. 29, 1924 (available in Iowa State Historical Society Library).

<sup>56</sup>*See id.*; Bicentennial Committee, *supra* note 19, at 412-13.

<sup>57</sup>*Judge H.T. Reed Called by Death*, *supra* note 55; *Hon. Henry T. Reed*, Decorah Republican, Feb. 26, 1924 (available in Iowa State Historical Society Library); *see* Bicentennial Committee, *supra* note 19, at 412-13.

In 1868, he married Laura J. Webster, also of Howard County, who died in March of 1923.<sup>58</sup> They had two children, Carl W. and Kate.<sup>59</sup>

He became involved in the Republican party and in 1876, he was elected to the lower house of the Iowa legislature.<sup>60</sup> His political career, however was brief lasting only one term. He continued his law practice in Cresco, Iowa, until 1904 when he was appointed district judge by President Roosevelt.<sup>61</sup> The new Judge was then fifty-seven.

He held court at Dubuque, Cedar Rapids, Fort Dodge, and Sioux City,<sup>62</sup> and like Judge Shiras, Judge Reed decided many cases that involved the railroads.<sup>63</sup> Judge Reed was described as having a “quiet disposition” and “retiring nature.”<sup>64</sup> When he retired from the bench on December 1, 1921, his health was failing.<sup>65</sup> He died February 24, 1924, at his home in Cresco.<sup>66</sup> He was seventy-seven.

---

<sup>58</sup>*Judge H.T. Reed Called by Death, supra* note 55.

<sup>59</sup>*Id.*

<sup>60</sup>Bicentennial Committee, *supra* note 19, at 412-13; *Judge H.T. Reed Dies at Cresco*, Des Moines Capitol, Feb. 25, 1924 (available in Iowa State Historical Society Library).

<sup>61</sup>*Judge H.T. Reed Called by Death, supra* note 55.

<sup>62</sup>*Id.*

<sup>63</sup>*See, e.g., Dahn v. McAdoo*, 256 F. 549 (N.D. Iowa 1919); *Vanek v. Chicago Great Western R.R.*, 252 F. 871 (N.D. Iowa 1918); *United States v. Chicago, St. P., M. & O. Ry.*, 245 F. 179 (N.D. Iowa 1917); *First Trust Co. v. Crooked Creed R.R. & Coal Co.*, 243 F. 450 (N.D. Iowa 1917); *Waverly Stone & Gravel Co. v. Waterloo, C.F. & N. Ry.*, 239 F. 560 (N.D. Iowa 1917).

<sup>64</sup>*Judge H.T. Reed Called by Death, supra* note 55.

<sup>65</sup>*Id.*

<sup>66</sup>*Judge H.T. Reed Dies at Cresco, supra* note 60. The newspaper accounts identify February 24, 1924, as the date of death. *See id.*; *Judge H.T. Reed Called by Death, supra* note 55; *Hon. Henry T. Reed, supra* note 57. The Bicentennial

---

Committee, however, gives February 22, 1924, as the date of death. *See* Bicentennial Committee, *supra* note 19, at 412-13.



**Judge George Cromwell Scott  
(1864-1948)  
Served 1922-1943**

Judge Scott was born on a farm in Monroe County, New York, on August 8, 1864.<sup>67</sup> Orphaned at age five, he went to live in the home of an uncle.<sup>68</sup> At sixteen, he decided to migrate to the Midwest. Settling in Dallas County, Iowa, he worked as a farmhand and attended public schools. He was graduated from Dallas Center High School, then taught school for two years. Summers, he worked as a laborer.<sup>69</sup>

His brief teaching career ended when he went to work as an assistant in the county clerk's office.<sup>70</sup> During his "free hours," he read the law. He was admitted to the Iowa bar in 1887.<sup>71</sup>

After marrying Laura Trimble of Adel, Scott and his bride

---

<sup>67</sup>See Bicentennial Committee, *supra* note 19, at 440; *Death Takes Judge Scott*, Des Moines Tribune, October 6, 1948 (available in Iowa State Historical Society Library).

<sup>68</sup>*Service with Distinction-Twenty Years on the Federal Bench*, Sioux City J., March 8, 1942 (available in Iowa State Historical Society Library).

<sup>69</sup>*Id.*

<sup>70</sup>*Id.*

<sup>71</sup>*Id.*; Bicentennial Committee, *supra* note 19 at 440.

moved to Le Mars where in 1888 Scott opened a law office.<sup>72</sup> He practiced law in Le Mars until 1901 when the couple moved to Sioux City.<sup>73</sup>

His political career as a Republican began in 1912 when he was elected to Congress from the eleventh Iowa district to fill a vacancy created by the death of a Congressman E.H. Hubbard.<sup>74</sup> In 1913, he was reelected but was defeated by Democrat Tom J. Steele in 1915.<sup>75</sup> Thereafter, in the election in 1917, he was again reelected to Congress.<sup>76</sup> He served in the House of Representatives until 1919 when he returned to the practice of law.<sup>77</sup>

Appointed by President Harding as judge of the District Court for the Northern District of Iowa on February 16, 1922, he was confirmed by the Senate within a week.<sup>78</sup> He took his oath of office on March 4, 1922, and held his first term of court at Cedar Rapids the following month.<sup>79</sup> Judge Scott held court regularly at all six court

---

<sup>72</sup>*Service with Distinction-Twenty Years on the Federal Bench, supra* note 69.

<sup>73</sup>*Id.*

<sup>74</sup>*Judge George C. Scott, Sioux City J., October 7, 1948* (available in Iowa State Historical Society Library).

<sup>75</sup>*See Scott About to Close Long Career on Bench, Des Moines Register, September 16, 1943* (available in Iowa State Historical Society Library); *Service with Distinction-Twenty Years on the Federal Bench, supra* note 69.

<sup>76</sup>*See Judge George C. Scott, supra* note 75; Bicentennial Committee, *supra* note 19, at 440.

<sup>77</sup>*Judge George C. Scott, supra* note 75.

<sup>78</sup>*Service with Distinction-Twenty Years on the Federal Bench, supra* note 69; *see* Bicentennial Committee, *supra* note 19, at 440.

<sup>79</sup>*Service with Distinction-Twenty years on the Federal Bench, supra* note 69.

points and brought with him a keen sense of fairness and integrity.<sup>80</sup>

On the district bench, he presided over a wide variety of disputes. After the Civil War, industry began to take a definite place within the state<sup>81</sup> and the subsequent advance of industrialization brought before Judge Scott cases that involved labor-management conflicts,<sup>82</sup> contract disputes,<sup>83</sup> and issues of fair competition.<sup>84</sup> In addition, Judge Scott decided several cases that involved farm bankruptcies.<sup>85</sup>

Probably the best known trial over which Judge Scott presided, was that of Oscar M. Hartzell who was tried and convicted of using the mails to defraud.<sup>86</sup> Hartzell claimed to have an assignment from Sir Francis Drake's only surviving heir which would entitle him to the buccaneer's twenty-two-billion-dollar estate. To pursue his claim against England, Hartzell said that he needed contributions totaling

---

<sup>80</sup>*Id.*

<sup>81</sup>See Federal Writers' Project, *supra* note 45, at 57.

<sup>82</sup>See, e.g. *Schwarz v. Witwer Grocer Co.*, 49 F. Supp. 1003 (N.D. Iowa 1943); See, *Ellinger v. Goodyear Tire & Rubber Co.*, 40 F. Supp. 626 (N.D. Iowa 1941).

<sup>83</sup>See, eg., *Bareco Oil Co. v. Alexander*, 33 F. Supp. 32 (N.D. Iowa 1940); *Rich v. Corno Mills Co.*, 300 F. 236 (N.D. Iowa 1924).

<sup>84</sup>See, eg., *Farmers Co-op Oil Co. v. Socony-Vacuum Oil Co.*, 51 F. Supp. 440 (N.D. Iowa 1943); *Beneficial Industrial Loan Corp. v. Kline*, 45 F. Supp. 168 (N.D. Iowa 1942); *Mumm v. Rath Packing Co.*, 33 F. Supp. 591 (N.D. Iowa 1940); *United States Gypsum Co. v. Heslop*, 39 F.2d 228 (N.D. Iowa 1930).

<sup>85</sup>See, eg., *In re Olson*, 21 F. Supp. 504 (N.D. Iowa 1937); *In re Lindsay*, 12 F. Supp. 625 (N.D. Iowa 1935); *In re Tyler*, 284 F. 152 (N.D. Iowa 1922).

<sup>86</sup>*Hartzell v. United States*, 72 F.2d 569 (8th Cir. 1934), *cert. denied*, 293 U.S. 621; see also Miller, *The Slicker Who Hoodwinked 70,000 Investors*, Sioux City J., Jan. 12, 1958, *reprinted in* An Account of the Case of United States of America versus Oscar Hartzell, Generally Known as the Drake Estate Case (H. Graven ed.) (unpublished manuscript); *Service with Distinction-Twenty Years on the Federal Bench*, *supra* note 69.

\$2500.00 each week. He promised his backers that for every dollar they donated, each would receive a handsome \$1000.00 in return.

A former Iowa farm boy, Hartzell made Sioux City his fund raising headquarters. Seventy thousand individuals, most of them "Siouxlanders," saved to send two-million dollars to Hartzell in London. His scheme worked well until one day he unwittingly confided to a private investigator that he was living comfortably on a racket that was based on an old legend. When England deported him as an undesirable alien in the winter of 1933, the United States issued a fraud order and the marshals brought him to Sioux City for trial. The jury returned a verdict of guilty on November 15, 1933, and Judge Scott sentenced Hartzell to serve ten years in the federal prison at Leavenworth. The decision was affirmed on appeal. Hartzell later died in the Medical Center for Federal Prisoners at Springfield, Missouri.

Judge Scott was a member of the First Congregational Church, the Blue Lodge at Le Mars, the Sioux City Consistory No. 5, and the Abu-Bekr Shrine.<sup>87</sup> He was also active in the masonry in northwestern Iowa.<sup>88</sup> For pleasure he read Macaulay, Mark Twain, and selected detective tales.<sup>89</sup> He was declared a "master of phraseology" and said to be "apt at reparte."<sup>90</sup> Frequently, he would quote Wescott's David Harum.<sup>91</sup>

November 1, 1943, Judge Scott retired at the age of

---

<sup>87</sup>J. Marshall, Remarks at the Memorial Service for Judge Scott, United States Courthouse, Sioux City, Iowa (Jan. 13, 1949), *reprinted in* L. McNeely, Northern Judicial District of Iowa 28-30 (Mar. 31, 1949) (unpublished manuscript).

<sup>88</sup> *Id.*

<sup>89</sup> *Service with Distinction - Twenty Years on the Federal Bench*, *supra* note 69.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

seventy-nine.<sup>92</sup> He lived in Sioux City until he died from a heart attack at his home on October 6, 1948.<sup>93</sup> His wife and four daughters survived him; Mrs. Norma Hunt and Mrs. Sibyl Moore of Hollywood, California, and Mrs. Laura Bergeson and Mrs. Jessie Hill of Sioux City.<sup>94</sup>

---

<sup>92</sup>L. McNeely, *supra* note 23; see *Scott About To Close Long Career on Bench*, *supra* note 76.

<sup>93</sup>See *Judge George C. Scott*, *supra* note 75; *Death Takes Judge Scott*, *supra* note 68. Judge Scott is buried at Graceland Park Cemetery, Sioux City, Iowa.

<sup>94</sup>J. Marshall, *supra* note 88.



**Judge Henry Norman Graven  
(1893-1970)  
Served 1944-1961, senior judge to death**

Judge Graven was born the son of Endre and Elise (Thompson) Graven on June 1, 1893, at St. James, Minnesota.<sup>95</sup> Born in the country, he received his early education from his mother. Although Elise Graven, an immigrant, had little formal education, she was well read and familiar with the classics.<sup>96</sup> One book that she read to her four children was *Easy Steps for Little Feet*. The book taught that the children to whom it was read would go to Heaven. Concerned, the Judge asked whether this meant that all of them, including his younger brother Jim, would go to Heaven. When his mother responded that it did, the Judge reportedly complained, "'Can't we even go to Heaven without taking that pest along?'"<sup>97</sup>

Later, he attended public and parochial schools.<sup>98</sup> He and his

---

<sup>95</sup>Bicentennial Committee, *supra* note 19, at 193; Memorial Service for the Honorable Henry N. Graven, 316 F. Supp. 5 (April 21, 1970) [hereinafter cited as Memorial Service].

<sup>96</sup>J.G., Honorable Henry N. Graven I (unpublished manuscript).

<sup>97</sup>*Id.* at 2.

<sup>98</sup>*Id.*

brother Jim both played high school football in St. James. He studied his opponents carefully and kept an indexed card file on the techniques and peculiarities of each.<sup>99</sup> When he became a judge, he used cards to record legal principles. This "library" accompanied him when he traveled to the various court points.<sup>100</sup>

From 1912 to 1915 he attended the University of Minnesota, working odd jobs to support himself.<sup>101</sup> One summer he worked with harvest and threshing crews in North Dakota and slept in jails to conserve funds. A friend later exclaimed that "[h]e [was] the only Federal Judge with such a wide first-hand knowledge of penal conditions."<sup>102</sup>

After studying three years at the university, he moved to Mobridge, South Dakota.<sup>103</sup> He worked as a car man for the railroad until the United States entered World War I.<sup>104</sup> During the war, he served with the Combat Engineers of the United States Army.<sup>105</sup> Before his outfit returned to America, he took a course in law at the University of Dijon in France.<sup>106</sup>

In 1921, he and Jim graduated with law degrees from the University of Minnesota where the Judge had served on the editorial board of the law review and was made a member of the Order of the

---

<sup>99</sup>*Id.*

<sup>100</sup>Letter from Marcella E. Moritz to Judge O'Brien (Oct. 15, 1985) (discussing history of the Northern District). Ms. Moritz, a former deputy clerk in the Northern District, provided Judge O'Brien with information relating to the court's history.

<sup>101</sup>J.G., *supra* note 97, at 3-4.

<sup>102</sup>*Id.* at 4.

<sup>103</sup>*Id.*

<sup>104</sup>*Id.*

<sup>105</sup>Bicentennial Committee, *supra* note 19, at 193; J.G., *supra* note 97, at 5.

<sup>106</sup>J.G., *supra* note 97, at 5.

Coif.<sup>107</sup> The brothers were admitted to the Iowa bar and together opened a law office in Greene, Iowa.<sup>108</sup> A brief description of one of their early trials is reproduced below.

Jim and the Judge had no secretary, so one or the other always stayed in the office to prevent the calamity of missing a client. One day, Jim had gone over to try a case in JP court with the Judge holding down the office and eagerly awaiting word of the outcome. Jim returned, threw open the door, and cried, "Justice triumphed." To this the Judge exclaimed, "Hell! Did we lose again?"<sup>109</sup>

March 21, 1926, Henry Graven married Helen T. Davis in Minneapolis.<sup>110</sup> They had three sons, David, Stanley, and Lloyd.<sup>111</sup>

In 1937, after serving one year as Special Assistant Attorney General of Iowa, Graven became a judge of the state's twelfth judicial district.<sup>112</sup> He remained in that position until 1944 when President Roosevelt nominated him to the federal bench.<sup>113</sup> He was sworn in on

---

<sup>107</sup>*Id.* at 6, app.

<sup>108</sup>*Id.* at 6; Memorial Service, *supra* note 96, at 6.

<sup>109</sup>J.G., *supra* note 97, at 6.

<sup>110</sup>Memorial Service, *supra* note 96, at 6.

<sup>111</sup>Bicentennial Committee, *supra* note 19, at 193.

<sup>112</sup>*Id.*

<sup>113</sup>*See id.* Although nominated by a Democratic President, Judge Graven was a Republican. Telephone interview with Butler County Auditor (Nov. 10, 1986).

March 30, 1944.<sup>114</sup>

Judge Graven was a prodigious worker. While on the court, he presided over a growing number of tax disputes<sup>115</sup> and motor vehicle accident cases<sup>116</sup> and authored several opinions that put him in the public eye. His opinion in *Amos v. Prom, Inc.*<sup>117</sup> (the "Surf Ballroom Case") attracted much positive comment. *Amos* was a civil rights case brought by a woman who had been denied admittance to the Surf Ballroom at Clear Lake, Iowa, because she was black. Judge Graven rejected the defendant's argument that its discrimination did not violate the Iowa Civil Rights Act because its dance hall was a "place of recreation," rather than a "place of amusement." The case, which had been followed with interest by the National Association for the Advancement of Colored People, the national organization of ballroom owners, and the press, was declared, "A Victory for Civil Rights in

---

<sup>114</sup>See J.G., *supra* note 97, app. The Senate had confirmed his appointment on March 22, 1944. Memorial Service, *supra* note 96, at 6.

<sup>115</sup>See, e.g., *Fort Dodge By-Products v. United States*, 133 F. Supp. 254 (N.D. Iowa 1955); *Dubuque Packing Co. v. United States*, 126 F. Supp. 796 (N.D. Iowa 1954); *Beck v. F.W. Woolworth Co.*, 111 F. Supp. 824 (N.D. Iowa 1953); *Woodward v. United States*, 106 F. Supp. 14 (N.D. Iowa 1952); *Retz v. Birmingham*, 98 F. Supp. 322 (N.D. Iowa 1951).

<sup>116</sup>See, e.g., *Burkhardt v. Bates*, 191 F. Supp. 149 (N.D. Iowa 1961); *Brandt v. Olson*, 190 F. Supp. 683 (N.D. Iowa 1961); *Wendt v. Lillo*, 182 F. Supp. 56 (N.D. Iowa 1960); *Bolton v. Ziegler*, 111 F. Supp. 516 (N.D. Iowa 1953); *Brown v. Chicago, R.I. & P.R.R.*, 108 F. Supp. 164 (N.D. Iowa 1952).

Shortly after the automobile was brought to Iowa in 1899, dirt roads were improved, C. Cole, *Iowa Through the Years* 427-29 (1940), and by 1937 there were 5455 miles of paved highways within the State. Federal Writers' Project, *supra* note 45, at 87. Road improvements, together with population growth and increased ownership of private automobiles, led to an increase in the number of automobile accident cases brought in federal court. See H. Glick, *Courts, Politics, and Justice* 40 (1983); H.R. Rep. No. 2433, 84<sup>th</sup> Cong., 2d Sess. 4, reprinted in *4F Congress and the Courts: A Legislative History - 1787-1977*, at 10781 (B. Reams, Jr. & C. Haworth eds. 1978) (noting steady increase in automobile accident cases in federal courts since World War II).

<sup>117</sup>117 F. Supp. 615 (N.D. Iowa 1954).

Iowa."<sup>118</sup>

A panel of eight Circuit judges described Judge Graven as a "thoroughly competent and conscientious trial judge."<sup>119</sup> His opinion in *Denver-Chicago Trucking Co. v. Lindeman*<sup>120</sup> demonstrates how he earned such praise. *Lindeman* involved the question of whether the statute of limitations is available to a foreign corporation as a defense to a cause of action arising under Iowa law. Judge Graven concluded that the test to be applied to determine the availability of the statute of limitations defense was whether the foreign corporation could escape service during the statutory period. Judge Graven named the test "inescapability from service," an apt description that was later adopted by the Iowa Supreme Court.<sup>121</sup>

Judge Graven received an honorary LL.D. degree from Capital University in 1942, an honorary Doctor of Humane Letters degree from Wartburg College in 1962, and an Award of Merit from the Iowa State Bar Association in 1957.<sup>122</sup> He was Director of the Legal Institute of the Iowa State Bar Association and a member of the Iowa Supreme Court Rules Advisory Committee.<sup>123</sup>

Though dedicated to the law, he found outlets in his affection

---

<sup>118</sup>Des Moines Reg., Nov. 26, 1953; 'Rights' Case is Near Jury, Des Moines Reg., Nov. 24, 1953; 'Rights' Jury Awards, \$400 in Damages, Des Moines Reg., Nov. 25, 1953.

<sup>119</sup>*Gerberding v. United States*, 471 F.2d 55, 62 (8th Cir. 1973).

<sup>120</sup>73 F. Supp. 925 (N.D. Iowa 1947).

<sup>121</sup>*Kokenge v. Holthaus* 243 Iowa 571, 52 N.W.2d 711 (1952).

<sup>122</sup>Bicentennial Committee, *supra* note 19, at 193.

<sup>123</sup>J.G., *supra* note 97, app.

for his family and church.<sup>124</sup> He assumed senior status<sup>125</sup> August 31, 1961.<sup>126</sup> He tried no further cases in the Northern District of Iowa, but continued to take judicial assignments in Florida, Louisiana, California, New York, North Dakota, Texas, and Puerto Rico.<sup>127</sup> He died February 1, 1970, while on assignment at San Antonio in the western district of Texas.<sup>128</sup>

\* \* \* \* \*

From August 31, 1961, until Edward J. McManus' appointment July 16, 1962, the Northern District of Iowa was without a federal judge. During the interim, when the need to dispose of cases became critical, judges from other districts sat by assignment.<sup>129</sup> Judges John Delehant and Robert Van Pelt from Nebraska and Roy Stephenson from Des Moines were among the judges who sat.

---

<sup>124</sup>Memorial Service, *supra* note 96, at 7.

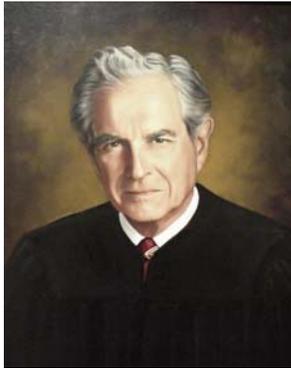
<sup>125</sup>Federal judges who assume senior status by retiring pursuant to 28 U.S.C.S. § 371(b) (1986 Supp.) retain office even though no longer in regular active service. Senior judges are "called upon and authorized to perform such judicial duties as [they] may be willing to undertake" and when performing judicial duties in another district or circuit, their status is the same as that of active judges assigned to such duties. 46 Am. Jur. 2d *Judges* § 17 (1969).

<sup>126</sup>*See* Memorial Service, *supra* note 96, at 6.

<sup>127</sup>*See id.*

<sup>128</sup>Northern Judicial District of Iowa 4 (unpublished, undated manuscript). Judge Graven's personal papers are available in the University of Iowa Main Library, Special Collections Department.

<sup>129</sup>Northern Judicial District of Iowa 4 (unpublished, undated manuscript).



**Judge Edward Joseph ("Nick") McManus**  
**(1920- )**  
**Chief Judge 1962-1985; Senior Judge, 1985-Present**

The first native Iowan to be appointed to the United States District Court for the Northern District of Iowa was Edward J. McManus. He is the son of Edward W. and Kathleen (O'Connor) McManus,<sup>130</sup> born February 9, 1920, in Keokuk, Iowa.<sup>131</sup> His early education was in the Keokuk parochial and public schools.<sup>132</sup> After graduating from Keokuk High School in 1936, he attended St. Ambrose College then transferred to the University of Iowa where he received a B.A. degree in 1940.<sup>133</sup> Judge McManus was a member of the Beta Theta Pi social fraternity and was president of the Phi Delta

---

<sup>130</sup>The Judge's mother, born in Homer, Nebraska, grew up in Sioux City, Iowa; died, May 26, 1995, at the age of 106.

<sup>131</sup>Interview with Judge McManus, in Cedar Rapids, Iowa (July 14, 1986).

<sup>132</sup>Lamberto, *McManus Finds Life After Political Death*, Des Moines Reg., June 6, 1979, at 1B.

<sup>133</sup>See Fruehling, *McManus Born into Family Steeped in Law, Politics*, Cedar Rapids Gazette, Feb. 3, 1985, at 12A, col. 1; United States Court of Appeals for the Eighth Circuit, *Resolutions 7* (July 25, 1985) [hereinafter cited as *Resolutions*].

Phi legal fraternity.<sup>134</sup> His legal education at Iowa was accelerated by World War II. In October 1941, he was admitted to the Iowa bar and three months later he received his J.D. degree at the age of twenty-one.<sup>135</sup>

In March 1942, the Judge enlisted in the United States Naval Air Corps as a seaman 2nd class.<sup>136</sup> He and thirty other young men who had attended the University of Iowa and were known as the "Flying Hawkeyes" started flight training at Lambert Field, St. Louis, Missouri, in June of 1942.<sup>137</sup> These men completed their training together at the Naval Air Station (NAS) at Corpus Christi, Texas, and received their commissions in early 1943.<sup>138</sup> Judge McManus served as a flight instructor in multi-engine sea and land-based aircraft at Corpus Christi from 1943 to 1944 and in the Marauder unit at NAS, Opa-locka, Florida, from 1944 until early 1946.<sup>139</sup>

Upon retiring from the Navy with rank of lieutenant, Judge McManus returned to Keokuk and joined his father, Edward W., and brother, Neil E. McManus in the general practice of law under the firm name McManus and McManus. His younger brother Richard P. McManus joined in 1953.<sup>140</sup> The Judge served as city attorney for Keokuk for nine years and authored the city's municipal code.<sup>141</sup> He

---

<sup>134</sup>Interview with Judge McManus, in Cedar Rapids, Iowa (Aug. 4, 1986).

<sup>135</sup>*Resolutions, supra* note 133, at 7.

<sup>136</sup>Interview with Judge McManus, in Cedar Rapids, Iowa (July 21, 1986).

<sup>137</sup>*Id.*

<sup>138</sup>*Resolutions, supra* note 133, at 7.

<sup>139</sup>Interview with Judge McManus, *supra* note 136.

<sup>140</sup>*Id.*

<sup>141</sup>*See* Bicentennial Committee, *supra* note 19, at 333.

married Sally Hassett of Keokuk on June 30, 1948.<sup>142</sup> They had five sons: David, an attorney in Cedar Rapids; Edward, an accountant in San Francisco, California; John, an architect in Boston, Massachusetts; Thomas, an artist in New York City; and Dennis, a medical doctor in Springfield, Illinois.<sup>143</sup>

He became active in Democratic party affairs and in 1954 was elected to the Iowa Senate.<sup>144</sup> He occupied the state senate seat of his grandfather, Edward P. McManus, and his great-grandfather, John Downey.<sup>145</sup> In 1958, the Judge was elected lieutenant governor of Iowa.<sup>146</sup> In 1960 he was the Democratic candidate for governor, defeating Harold Hughes of Ida Grove in a spirited primary race.<sup>147</sup> He and Governor Herschel C. Loveless, candidate for the United States Senate, both lost in the general election that November.<sup>148</sup>

Retiring from politics and returning to his law practice in Keokuk, he was appointed by President John F. Kennedy on July 16, 1962, as chief judge of the Northern District at the age of forty-two.<sup>149</sup> The Judge and his family then moved to Cedar Rapids.

Shortly after his appointment, Judge McManus met with Chief

---

<sup>142</sup>*See id.*; Lamberto, *supra* note 132. Sally H. McManus died November 12, 1986.

<sup>143</sup>*See Resolutions, supra* note 133, at 7.

<sup>144</sup>He served as a state senator from 1955 to 1959. Bicentennial Committee, *supra* note 19, at 333.

<sup>145</sup>Interview with Judge McManus, *supra* note 136.

<sup>146</sup>During 1959-1961, he served as lieutenant governor. Bicentennial Committee, *supra* note 19, at 333.

<sup>147</sup>Interview with Judge McManus, *supra* note 136; Lamberto, *supra* note 132.

<sup>148</sup>*See 49 Iowa Official Register* 4 (1961-1962).

<sup>149</sup>Appointment Certificate (July 16, 1962); *see* 28 U.S.C. § 136 (1976) (amended 1982).

Judge Roy L. Stephenson of the Southern District and Roving Judge William C. Hanson. They agreed to undertake the novel experiment of apportioning the burgeoning caseloads of both districts by ignoring district boundaries. Under this plan, Judge McManus handled all cases in the Cedar Rapids and eastern (Dubuque and Waterloo) divisions of the Northern District as well as the Davenport and eastern (Keokuk) divisions of the Southern District. Judge Hanson handled all cases in the central (Fort Dodge) and western (Sioux City) divisions of the Northern District and the western division (Council Bluffs) of the Southern District, and Judge Stephenson served the Southern (Clarinda), Central (Des Moines), and Ottumwa divisions of the southern district. This system of handling cases remained in effect for about a year. After discovering that a severe case backlog was developing in the Northern District, Judge McManus discontinued the experiment in order to fulfill his primary statutory duty to provide litigants in the Northern District with prompt judicial service.<sup>150</sup> Thereafter, Judge McManus handled all cases in the western, eastern, and Cedar Rapids divisions of the Northern District, while Judge Hanson took the cases in the Northern District's central division. Judge Hanson spent the rest of his time in the Southern District with Judge Stephenson.<sup>151</sup> Under the new arrangement, the Northern District has had a current docket despite the increase in cases filed from 244 in 1962 to 404 in 1977, when Judge Hanson assumed senior status, to 875 in 1985.<sup>152</sup> Judge McManus is also responsible for the

---

<sup>150</sup>Interview with Judge McManus, in Cedar Rapids, Iowa (Aug. 5, 1986).

<sup>151</sup>*Id.*

<sup>152</sup>Appendix C. The increase in the number of civil cases filed in the Northern District in recent years has been substantial, and it has been caused by a variety of factors, including the state's population growth, *see infra*, the shift toward urbanization, *see* L. Sage, *supra* note 2, at 390 (noting recent rural to urban trend in Iowa); Telephone interview with Wayne Messerly, Iowa Department of Agriculture (Sept. 3, 1986) (rural Iowa Land is lost to road and urban development at rate of 30,000 to 40,000 acres per year), and the availability of new state and federal statutory provisions. *See Forecasting the Impact of Legislation on the Courts* 13 (K. Boyum & S. Krislov eds. 1980). For example, in 1882 the 19th General Assembly

present organization of the district. When he took office in the summer of 1962, the day-to-day functions of the court were geographically spread throughout the district. The United States Marshal and the clerk of court's offices were headquartered in Dubuque, the United States Attorney in Sioux City, the probation office in Waterloo, the referee in bankruptcy in Fort Dodge, and Judge Graven lived in Greene.<sup>153</sup>

Concerned with the inefficiencies that this caused, Judge McManus proceeded to centralize the court's operations. First, he chose Cedar Rapids as the official station and headquarters of the chief judge. Although the only court employee in Cedar Rapids at that time was a deputy clerk, Judge McManus based his selection on the size of the city and its accessible location.<sup>154</sup> Then by order entered August

passed 175 bills. Telephone interview with Karen Moll, Iowa State Historical Society (Aug. 27, 1986). By comparison, the 71st General Assembly (1985-1986) passed 599 bills, telephone interview with John Gouldner, Iowa Legislative Services Bureau (Oct. 16, 1986), and the 98<sup>th</sup> Congress passed 1322 bills, Letter from Senator Tom Harkin to Judge McManus (Sept. 15, 1986).

### Case Filings Comparison

Census Year	Civil Filings**
1940	95 (1940 FY)
1950	136 (1950 FY)
1960	138 (1960 FY)
1970	198 (1970 FY)
1980	478 (1980 FY)
1990	587 (1990 FY)
2000	663 (2000 FY)

\*Derived from 40 *Iowa Official Register* 176-77 (1943-1944); 47 *Iowa Official Register* 267-68 (1957-1958); 52 *Iowa Official Register* 335-36 (1967-1968); 57 *Iowa Official Register* 358-59 (1977-1978); 60 *Iowa Official Register* 136-37 (1983-1984).

\*\*Appendix C.

<sup>153</sup>Interview with Judge McManus, *supra* note 136; Administrative Order Book, in Cedar Rapids, Iowa (August 15, 1962, entry).

<sup>154</sup>Cedar Rapids was the largest city in the Northern District.

15, 1962, he directed that the headquarters of the clerk of court's office, probation office, and referee in bankruptcy be moved to Cedar Rapids.<sup>155</sup> Thereafter, the United States Marshal, the Referee in Bankruptcy, the Probation Office, and the United States Attorney for the Northern District moved their office headquarters to the federal building at Cedar Rapids.<sup>156</sup>

In 1972 Judge McManus petitioned the Judicial Council for the Eighth Circuit, the Chief Justice and the Judicial Conference, and Congress, requesting that the state be redistricted on an east-west basis to alleviate the geographic travel inefficiency caused by the present north-south system. In the petition, Judge McManus also requested a fourth federal judge for Iowa. Although Judge McManus' redistricting suggestion has not yet been realized, in May 1979 Harold D. Viotor was appointed to the state's newly created fourth federal judgeship for the Southern District.<sup>157</sup>

In the 1970's Judge McManus also was involved with closing

---

<sup>155</sup>Administrative Order Book, in Cedar Rapids, Iowa (Aug. 15, 1962, entry). The order directed that the transfer of the clerk's headquarters commence September 1, 1962, and be completed by no later than October 1, 1962. The order further directed that the transfer of the probation office and referee's headquarters be held in abeyance until appropriate accommodations became available at Cedar Rapids. Thereafter, by order entered August 8, 1963, the chief probation officer was directed to transfer his headquarters from Waterloo to Cedar Rapids by September 16, 1963, Administrative Order Book, in Cedar Rapids, Iowa (Aug. 8, 1963, entry), and by order entered February 10, 1964, the probation branch office was ordered moved from Waterloo to Sioux City, Administrative Order Book, in Cedar Rapids, Iowa (Feb. 10, 1964, entry). The headquarters of the referee remained in Fort Dodge until 1965. Administrative Order Book, in Cedar Rapids, Iowa (Mar. 11, 1965, entry) (directing that the transfer commence Apr. 1, 1965, and be completed by Apr. 30, 1965).

<sup>156</sup>There are now fifty-three court employees in Cedar Rapids. Interview with William Kanak, Clerk of Court, in Cedar Rapids, Iowa (Aug. 7, 1986).

<sup>157</sup>*See* Act of Oct. 20, 1978, Pub. L. No. 95-486, § 1(c), 92 Stat. 1630 (amending 28 U.S.C. § 133 (1976) to create additional judgeship in Southern District). *See generally* Nye, *Seek Fourth Judge for Iowa*, Cedar Rapids Gazette, June 4, 1972, at 17A. A third judgeship had been created in 1961. *See infra* note 173.

district offices that received relatively little business. Pursuant to the Public Building Amendments of 1972, the judiciary was required to pay rent to the General Services Administration for court-assigned space beginning July 1, 1974.<sup>158</sup> To reduce the percentage of the judiciary budget used for rent, the court, at the behest of the Administrative Office, in 1973 closed the clerk's divisional office at Dubuque<sup>159</sup> and in 1979 closed the clerk's office at Fort Dodge.<sup>160</sup>

During his twenty-three years of active service on the federal bench, Judge McManus received recognition as a talented administrator and trial judge. Early in his tenure, he instituted a case management system for civil cases that includes a preliminary pretrial report, final pretrial conference, and establishment of discovery and settlement deadlines and a specific trial date.<sup>161</sup> Although controversial when first used, the procedures proved so effective in eliminating attorney unpreparedness and courthouse-door settlements that many were later embodied in the federal rules and in the state practice.<sup>162</sup>

In addition Judge McManus, along with Professor Allan Vestal of the University of Iowa College of Law and Senator Robert Rush of Cedar Rapids, was instrumental in securing passage of the Uniform Certification of Questions of Law Act in Iowa.<sup>163</sup>

The character of the man is indicated in his handling of *United*

---

<sup>158</sup>Pub. L. No. 92-313, § 4, 86 Stat. 216, 219; see *Reports of the Proceedings of the Judicial Conference of the United States and Annual Report of the Director of the Administrative Office of the United States* 128 (1975).

<sup>159</sup>See Administrative Order Book, in Cedar Rapids, Iowa (May 30, 1973, entry).

<sup>160</sup>See Administrative Order Book, in Cedar Rapids, Iowa (October 11, 1979, entry).

<sup>161</sup>*Resolutions, supra* note 133, at 8; see Fruehling, *Judge McManus Retires—This Aloof Man Demanded Fairness*, Cedar Rapids Gazette, Feb. 3, 1985, at 1A.

<sup>162</sup>*Resolutions, supra* note 133, at 8.

<sup>163</sup>Iowa Code ch. 684A (1985); Interview with Judge McManus, in Cedar Rapids, Iowa (June 3, 1986).

*States v. Kloberdanz*.<sup>164</sup> The defendant, a rural mail carrier for thirty-two years, lost his job and retirement benefits and was prosecuted for mail theft when he failed to deliver a third class letter and free copies of a weekly farm newspaper to a dead woman on his route. Believing that the postman had already been punished too severely, Judge McManus first refused to accept a guilty plea and urged the government to settle for a suspension without pay. But when the government refused, the Judge fined the man \$0.25 on each of two counts and accused the zealous government attorney of pursuing a mean and malicious prosecution.

The Associated Press News Service carried the story,

Federal Judge Edward McManus said it was "a two-bit case," so he made the punishment fit the crime.

John Kloberdanz of Osage, a rural mail carrier for 32 years, had pleaded guilty to two counts of mail theft.

He was accused of taking a weekly farm magazine and a third-class letter that had been addressed to a woman who died several months earlier. He said he took the letter to deliver it to the dead woman's children, who also live on his route.

McManus said it was "mean and malicious" of prosecutors to press charges against Kloberdanz. He fined him 25 cents on each of the two counts.

The next day, December 3, 1976, Assistant Attorney General Charles F. Murphy wrote to Judge McManus from Washington:

---

<sup>164</sup>No. CR 76-2013 (N.D. Iowa Nov. 30, 1976).

Dear Judge McManus:

Although I rarely communicate with individuals respecting observed news articles, the attached item captioned "Two Bit Punishment" warrants such a rare communication. Assuming the substantial accuracy of the attached article carried by the Associated Press News Service appearing in our local Daily Olympian Newspaper of December 2, 1976, I am compelled to congratulate your courage in calling the situation exactly what it appears to be, that is, a "two bit" case.

It does seem ludicrous that the appropriate federal agencies would persist in the prosecution of this matter, again assuming the article is substantially accurate. The attached article suggests, in the words of the younger generation, that you have "macho."

I am forwarding a copy of the article, and my letter, to a local postmaster, who, coincidentally happens to be a relative of mine, who I know will be interested in your decision.

Very truly yours,  
/s/ Charles F. Murphy  
Assistant Attorney General

Other decisions of Judge McManus that have attracted public attention, include *Davis v. Synhorst*<sup>165</sup> and *United States v. Robideau*.<sup>166</sup>

---

<sup>165</sup>217 F. Supp. 492, 501 (S.D. Iowa 1963), *aff'd sub. nom. Hill v. Davis*, 378 U.S. 565 (1964).

<sup>166</sup>No. CR 76-11 (N.D. Iowa July 16, 1976).

In *Synhorst*, Judges Edward McManus, Martin Van Oosterhout, and Roy Stephenson comprised the three-judge court that decided that Iowa's system of legislative apportionment violated the equal protection clause of the fourteenth amendment.<sup>167</sup> *Robideau* involved the acquittal of two American Indian Movement members who had been charged with killing two FBI agents on the Pine Ridge Indian Reservation in South Dakota in June of 1975 and was described by the press as "one of the most important and thoroughly investigated cases the FBI ha[d] ever been involved in."<sup>168</sup> Despite speculation that the highly-publicized *Robideau* case would take months to try, Judge McManus had it to the jury in six days.<sup>169</sup>

He received an honorary LL.D. degree from St. Ambrose College in 1964 and is a member of the Order of the Coif.<sup>170</sup> He sat often on the Eighth Circuit Court of Appeals in St. Louis and St. Paul; the Court of Customs and Patent Appeals in Washington, D.C.; and, the district courts for the District of Columbia, eastern district of Arkansas at Little Rock, district of Minnesota at Minneapolis, Southern District of Iowa, and district of Nebraska at Omaha.<sup>171</sup>

Judge McManus assumed senior status at age sixty-five on February 9, 1985.<sup>172</sup> He has remained in Cedar Rapids and handled some three hundred cases pending before him on his retirement date. He continues to take new cases. He also served on The Eighth Circuit Bicentennial of the Constitution Committee and was chairman of The

---

<sup>167</sup>217 F. Supp. 492. For a good discussion of the case, see L. Sage, *supra* note 2, at 321-29.

<sup>168</sup>Fruehling, *Jurors Acquit Two Indians*, Cedar Rapids Gazette, July 27, 1976.

<sup>169</sup>Criminal Docket Card, Cedar Rapids Division, in Cedar Rapids, Iowa (trial was held July 7, 8, 9, 12, 15, and 16 of 1976).

<sup>170</sup>Bicentennial Committee, *supra* note 19, at 333.

<sup>171</sup>Judge McManus, Personal files, Cedar Rapids, Iowa.

<sup>172</sup>*Resolutions*, *supra* note 133, at 8.

Northern District of Iowa Branch of The Eighth Circuit Historical Society.

On September 15, 1987, Judge McManus married Esther Yothers Locher Kanealy, the daughter of John F. Yothers, distinguished professor of mathematics at Coe College, now deceased. Esther brought two additional children to the marriage. John F. Locher of Mt. Vernon, Iowa, an attorney and teacher, and Anne Knudten, wife of Rev. Herbert Knudten, a former lawyer and now a Lutheran minister in Grinnell, Iowa. The Judge and wife have numerous grandchildren and great-grandchildren.

After disposing of his pending caseload at the time of his retirement, Judge McManus continues to take a revolving caseload of about 30-50% of that of an active judge and is at the Cedar Rapids Courthouse eight months of the year. The other four winter months he and his wife split between Naples, Florida and the Kohala Coast in Hawaii.

In addition to his Cedar Rapids cases, from 1990 to 1994, Judge McManus had assignments to the Northern District of California at San Jose and to the Middle District of Florida at Tampa.

In Florida, he tried a number of cases of interest. In 1991, the case of *United States v. Perry C. Harvey, Jr. and Lee S. Jefferson* on charges of conspiracy and embezzlement of a quarter of a million dollars in Longshoreman's Union funds. Mr. Harvey had been on the Tampa City Council and an official in the Longshoreman's Union. Both were acquitted and the Tampa Tribune of November 22, 1991 stated:

Perry Harvey, Jr. walked out of the too familiar courthouse doors with his hands upraised, a free man. Harvey's nearly three-week trial on federal embezzlement and conspiracy charges, related to his labor union activities that could have sent him to prison for 30 years, ended with him being cleared on all counts. "As hard as this has been on my family, the system works. I thank

God I live in America,” the 61-year-old Harvey said. “I was scared.”

In 1992, the case of *Xiao-Hu Zhang vs. General Motors Corporation*, a personal injury case involved rear seatbelt failure in a Chevrolet Cavalier. The jury returned a verdict of \$5 million for the plaintiff.

In 1993, the case of *Garden v. Times Publishing* involved Garden’s claim that the St. Petersburg Times newspaper refused to sell him advertising space for resale as “advertorials” in violation of federal anti-trust law. After Garden declined a \$100,000 offer to settle, the jury found for the newspaper.

One Cedar Rapids case of interest was the 1996 case of *Cedar Rapids Community School District v. Garret F.*, where Judge McManus held that the Individuals with Disabilities Education Act required the school district to provide a quadriplegic child with certain health and supportive services that would permit him to attend school. The decision was affirmed by the Eighth Circuit as well as the U.S. Supreme Court.<sup>173</sup>

Judge McManus is presently in his 41st year on the bench as a federal district judge. He has served longer than any federal judge in the history of the State of Iowa, currently the longest of any federal district judge in the 8th Circuit and the 11th longest in the United States.<sup>174</sup>

For recreation he has played golf around the world for over 65 years and shot his age many times. He recently observed, “In your 70’s and 80’s, it’s much easier to shoot your age.”<sup>175</sup>

---

<sup>173</sup>Judge McManus, Personal files, Cedar Rapids, Iowa, April 15, 2003.

<sup>174</sup>Thompson - West, 2003 Diary, Federal Judge’s Edition.

<sup>175</sup>Judge McManus, Personal files, Cedar Rapids, Iowa, April 15, 2003.



**Judge William Cook Hanson**  
**(1909-1995)**  
**Served 1962-1977; Senior Judge 1977-1995**

By Act of May 19, 1961, Congress authorized the appointment of an additional judge to serve the Northern and Southern Districts of Iowa.<sup>176</sup> President Kennedy appointed William Hanson to share his time between the two districts.

Judge Hanson was born May 14, 1909, in rural Greene County, Iowa, the son of Willis and Pearl Ann Hanson.<sup>177</sup> He married Ruth Hastings on September 18, 1938. They have six children: James,

---

<sup>176</sup>Pub. L. No. 87-36, 75 Stat. 80. The Act of July 20, 1882, 22 Stat. 172, which divided the state into two judicial districts, provided for one judge in the Northern District and one judge in the Southern District. Except for the creation of a temporary judgeship in the Southern District in 1928, the number of judgeships remained unchanged until 1961. See Act of January 19, 1928, 45 Stat. 52 (creating temporary judgeship that expired in 1931). In 1961, Congress decided that the creation of a roving judgeship in Iowa was justified by the great distance between the numerous places of holding court within the state, the increase in the number of cases filed in the two district courts, and the state's population growth. See H.R. Rep. No. 2433, 84<sup>th</sup> Cong., 2d Sess. 3-4, 32-39, *reprinted in 4F Congress and the Courts: A Legislative History-1787-1977*, at 10781 (B. Reams, Jr. & C. Haworth eds. 1978).

<sup>177</sup>Bicentennial Committee, *supra* note 19, at 207.

Thomas, Jay, Cynthia, R. Elaine, and Robert.<sup>178</sup> Four of their children are lawyers; two are doctors. Judge Hanson received his higher education from the University of Iowa earning a B.A. degree in 1933 and a J.D. degree in 1935. In 1935, he was admitted to the Iowa bar.<sup>179</sup> He practiced law at Jefferson, Iowa, from 1935 to 1955, and served as Greene County Attorney from 1939 through 1946.<sup>180</sup> In 1955, he became a state district court judge of the sixteenth judicial district.<sup>181</sup> From 1956 to 1958, he served as secretary-treasurer of the Iowa Judges Association.<sup>182</sup> He served as state judge until July 23, 1962, when President Kennedy appointed him as a roving judge for the Northern and Southern District Courts of Iowa.<sup>183</sup> Upon Judge Roy Stephenson's appointment to the Eighth Circuit, Judge Hanson became chief judge of the Southern District July 6, 1971.<sup>184</sup>

During his tenure, Judge Hanson served from 1975 to 1981 on the United States Judicial Conference Committee on the Operation of the Criminal Law.<sup>185</sup> In addition, he sat with the Eighth and Ninth Circuit Courts of Appeals and on the district courts in North Dakota, South Dakota, Minnesota, and Missouri.<sup>186</sup> Judge Hanson assumed

---

<sup>178</sup>*Id.*

<sup>179</sup>*Id.*

<sup>180</sup>*See id.*

<sup>181</sup> *Id.*

<sup>182</sup>Telephone interview with Clifford Ramstad, Secretary to Judge Hanson (July 22, 1986).

<sup>183</sup>Interview with William Kanak, Clerk of Court, in Cedar Rapids, Iowa (July 10, 1986); *see* Bicentennial Committee, *supra* note 19, at 207.

<sup>184</sup>*See* Administrative Office of the United States Courts, *Justices and Judges of the United States*.

<sup>185</sup>Telephone interview with Clifford Ramstad, *supra* at 179.

<sup>186</sup>*Id.*

senior status on August 15, 1977.<sup>187</sup> After that, he officed in Des Moines in the Southern District while continuing to reside in Jefferson. Although he decreased his trial court docket after assuming senior status, he maintained an active role serving as an appellate court judge sitting with the Eighth Circuit by designation. He also assisted the Southern District Court in the capacity of settlement judge.

Testimony of his service as a trial judge in the Northern District can be found in his published opinions. A sampling of these opinions demonstrates Judge Hanson's role in the evolution of the law in the Northern District of Iowa.

In 1963, in the case of *Cimijotti v. Paulsen*,<sup>188</sup> Judge Hanson overruled the plaintiff's motion to compel and held that statements made by the defendants to the Catholic church or its priests in order to obtain sanctions from the Catholic church for separate maintenance and divorce were absolutely privileged against an action for defamation, and in any event were barred by the statute of limitations.<sup>189</sup> Judge Hanson also presided at the three-month, precedent setting obscenity case, *Luros v. United States*.<sup>190</sup> In a post-trial order in *Luros*, Judge Hanson dismissed over half of the government's twenty-five counts and stated that he had "resisted the temptation to add to the confusion."<sup>191</sup> The Eighth Circuit subsequently threw out the remaining counts.<sup>192</sup> Other noteworthy cases tried in the Northern District by Judge Hanson

---

<sup>187</sup>Interview with William Kanak, *supra* note 180.

<sup>188</sup>219 F. Supp. 621 (N.D. Iowa), *appeal dismissed*, 323 F.2d 716 (8th Cir. 1963).

<sup>189</sup>230 F. Supp. 39, 43-44 (N.D. Iowa 1964), *aff'd*, 340 F.2d 613 (8th Cir. 1965).

<sup>190</sup>260 F. Supp. 697 (N.D. Iowa 1966, *rev'd in part*, 389 F.2d 200 (8th Cir. 1968).

<sup>191</sup>260 F. Supp. at 703.

<sup>192</sup>389 F.2d 200, 206 (8th Cir. 1968).

include *Mini Cinema 16 Inc. v. Habhab*,<sup>193</sup> *Stockdale v. Agrico Chemical Co.*,<sup>194</sup> *Jackson v. American Yorkshire Club*,<sup>195</sup> and *Webb v. Lake Mills Community School District*.<sup>196</sup>

In the Southern District, Judge Hanson presided over several other cases of import. In *Doe v. Turner*,<sup>197</sup> he held for a three-judge district court that the Iowa statute prohibiting abortions except to save the life of the mother was unconstitutional, and in *Williams v. Brewer*<sup>198</sup> he reversed the first degree murder conviction of Anthony Williams on the basis of the well-known "Christian burial speech."

Judge Hanson's statement in, *In Re Builders Supply Co.*,<sup>199</sup> that "common sense often makes good law," reflects his approach to a lawsuit.

Judge Hanson died on June 6, 1995. He is buried in Jefferson, Iowa.

---

<sup>193</sup>326 F. Supp. 1162 (N.D. Iowa 1970).

<sup>194</sup>340 F. Supp. 244 (N.D. Iowa 1972).

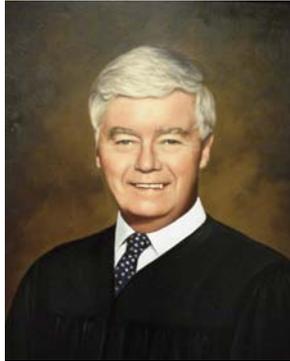
<sup>195</sup>340 F. Supp. 628 (N.D. Iowa 1971).

<sup>196</sup>344 F. Supp. 791 (N. D. Iowa 1972).

<sup>197</sup>361 F. Supp. 1288 (S.D. Iowa), *appeal denied*, 488 F.2d 1134 (8<sup>th</sup> Cir. 1973).

<sup>198</sup>375 F. Supp. 170 (S.D. Iowa), *aff'd*, 509 F.2d 227 (8<sup>th</sup> Cir. 1974), *aff'd*, 430 U.S. 387 (1977).

<sup>199</sup>278 F. Supp. 254 (N.D. Iowa 1968).



**Judge Donald Eugene O'Brien**  
**(1923- )**  
**Served 1978-1992; Senior Judge, 1992-Present**

Donald E. O'Brien was born September 30, 1923, in Marcus, Iowa, the son of Michael John and Myrtle A. O'Brien.<sup>200</sup> He moved with his family to Rock Rapids, Iowa, and then to Sioux City, Iowa, where he attended parochial schools.<sup>201</sup> His education at Trinity College in Sioux City was interrupted during World War II.<sup>202</sup>

Judge O'Brien was in the United States Army Air Force from 1943 to 1945, attaining the rank of first lieutenant.<sup>203</sup> He was a bombardier in a B-17 Flying Fortress and flew thirty missions over Europe with the Eighth Air Force. The Judge was awarded the Distinguished Flying Cross and five air medals.<sup>204</sup>

After his military duty, he returned to Trinity College for one

---

<sup>200</sup>Bicentennial Committee, *supra* note 19, at 373.

<sup>201</sup>Lamberto, *O'Brien's Passions are Law, Courts*, Des Moines Reg., June 20, 1979, at 1B; *O'Brien's Ruling*, Sioux City J., Dec. 26, 1985.

<sup>202</sup>*See* Bicentennial Committee, *supra* note 19, at 373.

<sup>203</sup>Telephone interview with Nelma De Bauche, Secretary for Judge O'Brien from 1978-1999 (Nov. 10, 1986).

<sup>204</sup>Lamberto, *supra* note 198.

semester of study, then transferred to Creighton University in Omaha, Nebraska.<sup>205</sup> He graduated from Creighton with his law degree in 1948, was admitted to the Iowa bar, and commenced the practice of law in Sioux City.<sup>206</sup> On April 15, 1950, he married Ruth Mahon of Ponca, Nebraska.<sup>207</sup> They have two daughters, Teresa and Shiuvaun, and two sons, Brien and John.<sup>208</sup>

From 1949 to 1953, he served a part-time city prosecutor for Sioux City.<sup>209</sup> He reentered private practice full time in 1954. Active in the Democratic party, he was elected and served as county attorney for Woodbury County, Iowa, from 1955 through 1958.<sup>210</sup>

In 1959, he became a municipal court judge in Sioux City.<sup>211</sup> Judge O'Brien held that post for one year before returning to his law practice. He lost his two bids to Congress to the Republican incumbent, Charles Hoeven of Alton.<sup>212</sup> In 1961, he was appointed United States Attorney for the Northern District of Iowa by President Kennedy.<sup>213</sup> In 1965, he was reappointed U.S. Attorney by President Johnson.<sup>214</sup> He tried many cases before both Judge Edward J. McManus and Judge William Hanson during those years. He resumed private practice again in 1967 and served as special counsel for a House

---

<sup>205</sup>*Id.*

<sup>206</sup>*See* Bicentennial Committee, *supra* note 19, at 373.

<sup>207</sup>*See id.*; Lamberto, *supra* note 198.

<sup>208</sup>Bicentennial Committee, *supra* note 19, at 374.

<sup>209</sup>*Id.* at 373.

<sup>210</sup>Telephone interview with Nelma De Bauche, *supra* note 198.

<sup>211</sup>*Id.*

<sup>212</sup>*See, O'Brien's Ruling, supra* note 198; Lamberto, *supra* note 198.

<sup>213</sup>Lamberto, *supra* note 198.

<sup>214</sup>*Id.*

of Representatives committee headed by Democratic Representative, Neal Smith, during 1977-1978.<sup>215</sup>

He was appointed as judge of the Northern and Southern Districts of Iowa by President Carter in 1978.<sup>216</sup> Judge O'Brien took the oath of office on Thursday, November 2, 1978.<sup>217</sup> In 1985, he succeeded Judge McManus as chief judge of the Northern District.<sup>218</sup>

He is admired by his colleagues and the bar as a hardworking, conscientious, and able judge. He has served on the United States District Courts for the Districts of Nebraska, Minnesota, and South Dakota and served for ten years on the Budget Committee of the Judicial Conference of the United States.<sup>219</sup>

Since 1978, Judge O'Brien has presided over a number of important trials. One was a controversial case involving the question of whether the United States had the responsibility to pay damages to a citizen who had, at the urging of then President Ford (in television appearances), participated in the National Swine Flu Immunization Program in 1976 and had suffered serious injuries as a result. Judge O'Brien held that the United States was responsible. This case was twice reviewed by the Eighth Circuit Court of Appeals, which affirmed the Judge's rulings.<sup>220</sup>

---

<sup>215</sup>*Id.*

<sup>216</sup>Bicentennial Committee, *supra* note 19, at 373.

<sup>217</sup>*See* Administrative Order Book, in Cedar Rapids, Iowa (Oct. 10, 1978, entry) (setting date and time for administration of oath).

<sup>218</sup>Interview with Judge McManus, *supra* note 136.

<sup>219</sup>Telephone interview with Mark Roeder, Courtroom Deputy (July 22, 1986); telephone interview with Nelma De Bauche, Secretary to Judge O'Brien 1978-1999 (Dec. 22, 1986). On November 22, 1985, he was asked by Chief Justice Burger to serve on the budget committee and on December 3, 1985, he wrote Chief Justice Burger accepting the appointment. *Id.*

<sup>220</sup>*Petty v. United States*, 536 F. Supp. 860 (N.D. Iowa 1980), *vacated*, 679 F.2d 719 (8<sup>th</sup> Cir. 1982), 592 F. Supp. 687 (N.D. Iowa 1983), *aff'd*, 740 F.2d 1428 (8<sup>th</sup> Cir. 1984).

Judge O'Brien was affirmed by the United States Supreme Court in two important cases in 1995 and 1996. In *Varity Corp. v. Howe*, 516 U.S. 489, 116 S. Ct. 1065 (1996), a group of beneficiaries in Varity's Employment Welfare Benefit Plan sued their employer, who had, through trickery, led the employees to withdraw from the Plan and forfeit their benefits. The Supreme Court agreed with the District Court, which had reinstated the beneficiaries back into the Welfare Plan and awarded damages.

In *Asgrow Seed Co. v. Winterboer*, 513 U.S. 179, 115 S. Ct. 788 (1995), a farmer had bought soybeans from Asgrow Seed Company, planted them, got a substantial increase in bushels, and then in the next year sold this soybean increase to many farmers in direct competition with Asgrow. The Supreme Court agreed with the District Court that under prevailing law, the only protected seed that the farmer could sell was seed that had been saved by that farmer to replant his own acres.

In *Goff v. Harper*, 235 F.3d 410 (2000), the Circuit Court adopted Judge O'Brien's directions to the Iowa Prison Officials.

The District Court ordered the Iowa Prison Officials to file a Plan to remedy the constitutional violations found at the Iowa State Penitentiary (ISP) at Fort Madison, Iowa. The Court approved the fourth Plan filed by Prison Officials. Major changes were then implemented by Prison Officials in response to the order. First, the State of Iowa built a ten million dollar special-needs unit to separate those with mental problems from those with no mental problems in the lock-up unit. This building is now in operation. Second, the ISP changed their disciplinary system, redefining the procedures of lockup and releasing

prisoners from extraordinarily long lockup sentences. In addition, amnesty was declared for inmates as to disciplinary sentences before July 1, 1998. Finally, accommodations were made to provide inmates with indoor exercise facilities.

In *Hendrickson v. Griggs, et al.*, 672 F. Supp. 1126 (1987). After trial, the Court held, in a class action, that the state of Iowa was in violation of the Juvenile Justice and Delinquency Prevention Act and that juveniles in Iowa were entitled to relief from the state's noncompliance with requirements for removal of juvenile offenders from adult jails in Iowa. The state was ordered to submit a plan to accomplish this. They did. The bottom line was that several juvenile jails were erected in Iowa where juveniles from every county are now housed.

As of January 1, 1988, Judge O'Brien was still the Chief Judge for the Northern District of Iowa and was still working in both the Northern and Southern Districts of Iowa. In 1991, Congress added another federal judge to the Southern District of Iowa and that same legislation relieved Judge O'Brien of being a "swing" judge, with the new judge in the Southern District taking over the assignment of Judge O'Brien in that district and Judge O'Brien being thereafter responsible only for cases in the Northern District.

In 1990, the approximately sixty judges in the Eighth Circuit elected Judge O'Brien to be the district court representative for the Eighth Circuit to the Judicial Conference of the United States. This meant that Judge O'Brien would meet at least twice a year and sometimes more often with 23 other judges from around the country, which included each of the Chief Judges of the circuits and one district court judge from each circuit. The Judicial Conference meets with the Chief Justice and carries on the business of the courts. The Eighth Circuit Judges reelected Judge O'Brien to a second term and, later, reelected him to a third term, so that he served seven years on the Conference, involving the consideration of important matters that came to the Conference's attention during that period. In 1997, Judge

O'Brien chose not to run for re-election. Judge O'Brien served on the Judicial Conference longer than any other district court judge in recent history.

On December 30, 1992, Judge O'Brien took senior status, at which time the Honorable Michael J. Melloy became Chief Judge of the Northern District of Iowa. For the next five years, Judge O'Brien maintained a schedule that would be the same as two-thirds of the schedule of an active judge.

On June 5, 1993, the Woodbury County Bar Association sponsored a dinner to honor Judge O'Brien's public service as a United States District Judge in Iowa. The event was one of the largest functions ever sponsored by the Bar of Sioux City with six hundred people in attendance. Chief Judge Richard Arnold of the Eighth Circuit Court of Appeals and his predecessor, Judge Donald Lay, praised Judge O'Brien's judicial career. Other speakers represented the clergy, the judiciary, the bar, and Judge O'Brien's family. A full transcript of the senior status program is set out at 922 F. Supp. in the opening pages of the book.

Judge O'Brien is still working on a reduced schedule. He takes one-third of all the civil cases and one-third of all the criminal cases in the Northern District, Western Division, at Sioux City. The Judge tries to operate on the premise that the office of judge does not sanctify the holder of it. "Never take yourself too seriously" is his constant reminder to himself. The Judge continues to reside in Sioux City.



**Judge David Rasmussen Hansen**  
**(1938- )**  
**Served 1986-1991**  
**(Elevated to the Eighth Circuit Court of Appeals, 1991)**  
**(Chief Judge of Eighth Circuit Court of Appeals**  
**02-01-02 - 03-31-03)**  
**(Senior Judge Eighth Circuit Court of Appeals, 2003-Present)**

David R. Hansen was born in Exira, Audubon County, Iowa, on March 16, 1938, the third of four sons born to Harold Ludwig and Mable Rasmussen Hansen.<sup>221</sup> He graduated from the Atlantic, Iowa, high school in 1956 and received his B.A. degree, with highest honors, from Northwest Missouri State University in 1960, with a triple major in history, economics, and social science.<sup>222</sup> Thereafter, he traveled to Washington, D.C., where he served for three years as an aide to Congressman Ben F. Jensen.<sup>223</sup> He attended George Washington University's Law School and in 1963 received his J.D. with honors. He was admitted to the Iowa bar and began the practice of law in Atlantic,

---

<sup>221</sup>Interview with Jan Evans, Secretary to Judge Hansen, in Cedar Rapids, Iowa (July 10, 1986).

<sup>222</sup>Address by Judge Hansen, Meeting of the Linn County Bar Association (May 15, 1986).

<sup>223</sup>*Id.*

Iowa, in the firm of Jones, Cambridge & Carl.<sup>224</sup> In 1964, he was ordered to active duty with the United States Army and spent the next four years trying general courts martial in the Judge Advocate General's Corps and serving as post judge advocate for Fort Monroe, Virginia.<sup>225</sup> He rose to the rank of captain and received the Army Commendation Medal for his work at Fort Monroe.

Following his honorable discharge from the Army in 1968,<sup>226</sup> he moved to Iowa Falls with his wife Mary Virginia Lee ("Ginger").<sup>227</sup> He commenced private practice as an associate with Attorney Don W. Barker, and later they formed the partnership Barker & Hansen.<sup>228</sup> Thereafter, Clark E. McNeal and Lynn J. Wiese joined them in general practice.<sup>229</sup> Judge Hansen served as Hardin County Republican chairman and as treasurer of the Third District Republican Central Committee. In 1974, he was chairman of the Hardin County congressional campaign of Republican Charles Grassley.<sup>230</sup> He served for four years as an elected member of the Iowa Valley Community College District Board of Directors which governed the operations of Marshalltown Community College in Marshalltown, Iowa, and Ellsworth Community College in Iowa Falls, Iowa.

He served as police court judge for the City of Iowa Falls, Iowa, from 1969 to 1973. In 1976, he was appointed an Iowa district court

---

<sup>224</sup>*Id.*

<sup>225</sup> *Id.*

<sup>226</sup>*Id.*

<sup>227</sup>Interview with Jan Evans, *supra* note 220.

<sup>228</sup>Address by Judge Hansen, *supra* note 221.

<sup>229</sup>*Id.*

<sup>230</sup>Carlson, *Hansen Lays Down the Law: The Mold I'll Fit Is My Own*, Des Moines Reg., Mar. 30, 1986, at 1B, col. 5.

judge for the second judicial district by Governor Robert Ray.<sup>231</sup> He resigned from that post following his appointment by President Reagan on March 4, 1986, to be a judge of the United States District Court for the Northern District of Iowa.<sup>232</sup> He assumed his duties as a federal judge on March 11, 1986, at the age of forty-eight.<sup>233</sup> At the time of his selection, he was president-elect of the Iowa Judges Association.

He is considered able, politically conservative, and a strict constructionist and developed a reputation on the state bench as a tough judge on criminal matters.<sup>234</sup> As a trial lawyer, he successfully represented twenty-six members of the Iowa General Assembly in the case of *Welden v. Ray*,<sup>235</sup> the benchmark constitutional case which established the limits of an Iowa governor's item veto power. As a state trial judge, he presided over Iowa's longest criminal trial, *State v. Brown & Hollins*.<sup>236</sup> He has described himself as a "died-in-the-wool Cleveland Indian and Washington Redskin fan" who also enjoys carpentry as a hobby and the company of his two sons, James Christian and Robert Judson.

After serving six and one-half years as a United States District Judge, President George Bush nominated Judge Hansen to be a judge on the United States Court of Appeals for the Eighth Circuit. He was confirmed by the United States Senate on November 15, 1991, was appointed by the President on November 18, 1991, and took the oath of office November 26, 1991. In 1997, Chief Justice Rehnquist appointed Judge Hansen to chair the Judicial Conference's Committee

---

<sup>231</sup>Address by Judge Hansen, *supra* note 221.

<sup>232</sup>*Id.*; interview with Jan Evans, *supra* note 220.

<sup>233</sup>Interview with Jan Evans, *supra* note 220.

<sup>234</sup>Carlson, *supra* note 229.

<sup>235</sup>229 N.W.2d 706 (Iowa 1975).

<sup>236</sup>*See State v. Brown*, 397 N.W.2d 689 (Iowa 1986); *State v. Hollins*, 397 N.W.2d 701 (Iowa 1986).

on the Judicial Branch for a number of years.<sup>237</sup> Judge Hansen served as Chief Judge of the United States Court of Appeals for the Eighth Circuit from February 1, 2002, until March 31, 2003. He was the second Iowan to serve as the Chief Judge. The other Chief Judge was the Honorable Martin D. Van Oosterhout. Judge Hansen has continued to maintain his resident chambers in Cedar Rapids while serving on the Eighth Circuit.

\* \* \* \* \*

From November 26, 1991, when Judge David Hansen was elevated to the Eighth Circuit Court of Appeals until August 18, 1992, when Judge Michael J. Melloy was appointed, there was need of additional judges to dispose of cases. Judge John Jones, Judge Andrew Bogue and Judge Donald Porter from South Dakota; Judge Warren K. Urbom of Nebraska; Judge Harold D. Vietor and Charles R. Wolle of the Southern District of Iowa; Judge Robert R. Merhige, Jr., of the Eastern District of Virginia; and Judge Robert Renner of Minnesota were among the judges who sat.

---

<sup>237</sup>The Committee on the Judicial Branch of the Judicial Conference of the United States is one of the most important committees of the conference. Judge Hansen, as the Chairperson, was selected by the Chief Justice. Judge Hansen and fifteen other judges comprised the Committee. Judge Hansen and his Committee handled all matters that affect judges including pay, judicial independence, travel, etc. The Committee works closely with Congress on these matters, and the Chairperson reports directly to the Chief Justice and the Conference.



**Judge Michael J. Melloy**

**(1948 - )**

**Served 1992 - 2002**

**(Elevated to the Eighth Circuit Court of Appeals, 02-14-02)**

Michael J. Melloy was appointed United States Bankruptcy Judge in January 1986. He succeeded Judge William Thinner, who died in September 1985. On August 18, 1992, President George H. Bush appointed Michael J. Melloy to the United States District Court bench. He became Chief Judge of the Northern District of Iowa on December 31, 1992. On February 14, 2002, President George W. Bush appointed Michael J. Melloy to the Eighth Circuit Court of Appeals.

Judge Melloy is a 1970 graduate of Loras College and a 1974 graduate of the University of Iowa, College of Law. He served in the United States Army from 1970 to 1972. Following his graduation from law school, he joined the firm of O'Connor, Thomas, Wright, Hammer, Bertsch and Norby, Dubuque, Iowa. He practiced with that firm until his appointment to the bankruptcy bench. He became a partner and later a shareholder in the firm which eventually became known as O'Connor & Thomas, P.C. Judge Melloy is married to Jane Anne Knapp. They have three daughters, Jennifer, Katherine and Bridget.

Judge Melloy was appointed to the bankruptcy bench at the height of the farm crisis. At the time of his appointment, he was the only bankruptcy judge in the Northern District of Iowa and held court in six locations across the district: Cedar Rapids, Dubuque, Waterloo, Mason City, Fort Dodge and Sioux City.

Among the noteworthy cases handled by Judge Melloy as a bankruptcy judge was Morris Plan/MorAmerica. It had been filed just prior to Judge Melloy's appointment to the bankruptcy bench. It was and continues to be the largest bankruptcy case ever filed in Iowa. It involved the failure of a privately owned thrift savings company with over 20,000 depositors. Other significant bankruptcy cases included Peoples Bancshares, a Waterloo bank holding company; Cedar Rapids Meats (Farmstead Foods), a major Cedar Rapids meat manufacturing company; and A.C. Benton, a farm Chapter 11 involving one of the largest landowners in Iowa. The major cases handled by Judge Melloy as a district judge include the prosecution of William and Daniel McDermott, two brothers who were charged with a major civil rights violation out of Dubuque, Iowa; and, the prosecution of Tommy Farmer, the first "three strikes and you're out" prosecution in the United States. In addition, Judge Melloy handled cases involving more than forty defendants arising out of the investigation and prosecution of the members of the "Sons of Silence" motorcycle gang. Judge Melloy also tried Ronald Downs, who was accused and convicted of murdering a postal employee.

Among the major civil cases handled by Judge Melloy are several major anti-trust cases. Possibly, the most prominent was the attempt by the United States Department of Justice to enjoin the merger of two Dubuque hospitals, Mercy Hospital and Finley Hospital, on anti-trust grounds. Judge Melloy has handled a major environmental case, *E.T. Holdings v. Amoco Oil Company*. At the end of Judge Melloy's tenure as a district judge, he tried a significant sexual harassment case, *Flockhart v. IBP*.

Judge Melloy has served on a number of committees and commissions of the federal judiciary. He was appointed by the Chief Justice of the United States Supreme Court to be a member of the Bankruptcy Committee of the Judicial Conference. For a number of years, he was a member of the Eighth Circuit Committee on Uniform Pattern Jury Instructions. He has also served as a bankruptcy judge and district judge, and Eighth Circuit Judge representative on the Eighth Circuit Judicial Council. He was a member of the Eighth Circuit Gender Bias Task Force, and has served as a member of the District Judges advisory Group to the United States Sentencing Commission.

In 1999, the Chief Justice recognized what a fine job Judge Melloy had been doing on the Bankruptcy Committee and named him as chairperson of this important committee. A distinct honor to the Judge and the Northern District.



**Judge Mark W. Bennett**  
**(1950 - )**  
**Served 1994-Present**  
**Chief Judge, January 1, 2000-Present**

Mark W. Bennett was appointed a United States District Court Judge in the Northern District of Iowa on August 26, 1994. On January 1, 2000, he became Chief Judge of the Northern District. Judge Bennett had previously served as a United States Magistrate Judge in the sister district, the Southern District of Iowa. Judge Bennett graduated from the Drake University Law School in 1975. Upon graduation, he started his own law firm in Des Moines in the basement of a long since demolished building. The firm eventually became Babich, Bennett & Nickerson. During more than sixteen years, his extensive practice in employment discrimination, constitutional law and other civil rights litigation took him to numerous state and federal trial and appellate courts throughout the United States resulting in more than seventy reported decisions, including arguing *Evans v. Oscar Mayer Co.*, 441 U.S. 750 (1979), in the United States Supreme Court.

When he was in private practice, Judge Bennett was admitted to and practiced in the United States Supreme Court; the United States Courts of Appeals for the Fifth, Seventh, Eighth and Tenth Circuits; the United States District Courts for the Northern and Southern Districts of Iowa; and the Iowa Supreme Court and state courts of Iowa. He was also admitted, pro hac vice, in numerous jurisdictions, including the United States District Courts for the District of Arizona, District of

Colorado, Southern District of California, Northern District of Illinois, Southern District of Indiana, District of Minnesota, Eastern and Western Districts of Missouri, District of New Mexico, Northern District of New York, and District of Wyoming; and state courts of Illinois, Minnesota, Missouri, Montana, South Dakota and Wisconsin.

Prior to his appointment to the federal bench, Judge Bennett was actively involved in professional organizations and community service. This included serving as the first Chair of the Civil Justice Reform Act of 1990 Advisory Group for the United States District Court for the Southern District of Iowa, as a member of the Board of Governors of the Association of Trial Lawyers of Iowa, as a Fellow in the Iowa Academy of Trial Lawyers and as a Master of the Bench and founding member of the Blackstone Inn of Court.

He has been active in the Iowa State Bar Association where he has served as a member of and co-chaired several committees, including the Federal Practice Committee, the Professional Development Committee, the Committee on Professionalism, the Labor and Employment Law Section Council, the Litigation Section, the Committee on Legal Aid, the Study Committee on Women and Minorities Involvement in Bar Association and Judicial System of Iowa, the Executive Council of the Young Lawyers Section, the Silent Partner Program Committee of the Young Lawyers Section, the Committee on Federal Practice Manual and the Committee on the State Adoption of the Federal Rules of Evidence. Prior to becoming a federal judge, Judge Bennett was selected for inclusion in Naifeh & Smith, THE BEST LAWYERS IN AMERICA. He was also one of the youngest lawyers in the state to receive an AV rating by Martindale-Hubbell and to be inducted as a Fellow in the Iowa Academy of Trial Lawyers.

Judge Bennett is often invited to speak at seminars throughout the United States for the bench and the bar on topics such as federal litigation, civil rights, employment law, professionalism and courtroom technology. He has spoken at more than 190 seminars. He has also enjoyed teaching law students at the Drake University Law School (trial advocacy, employment law and employment discrimination) and at the University of Iowa College of Law (trial advocacy). Additionally, Judge Bennett frequently teaches at the United States

Department of Justice National Advocacy Center. He recently co-authored a book entitled, Employment Relationships Law & Practice (Aspen Law & Business 1998).

Judge Bennett has a keen interest in technology and recently completed a project for the United States Courts where he was instrumental in the design, development, testing, and implementation of new case management software based on state of the art WEB browser technology that is now being utilized by federal district court judges across the country. He has applied technology to judging which has led to the remodeling of the main courtroom in Sioux City to add a state of the art, high tech evidence presentation package, including smart tables for counsel that will allow counsel access to computerized legal research, real time court reporting, e-mail and the internet. The new technology also allows for the display of evidence through a variety of cutting edge technologies, including laser disk and computer generated exhibits. Live realtime witness testimony from around the world can be taken with the courtroom's video conferencing technology.

Judge Bennett is a prolific writer and his numerous published opinions reflect his ardent interest in legal scholarship.

\* \* \* \* \*

During 2002, when Judge Michael J. Melloy was elevated to the Eighth Circuit, until Judge Reade was sworn in the Northern District, several judges from other districts sat by assignment. These judges included Judge Harold D. Vietor, Judge Charles R. Wolle, Judge Ronald E. Longstaff, Judge Robert W. Pratt and Judge James E. Gritzner from the Southern District of Iowa. Judge Lawrence Piersol and Judge Karen R. Schreier from South Dakota. Judge Stephen N. Limbaugh, Judge Nanette K. Laughrey, Judge Ortrie Smith, and Judge E. Richard Weber from Missouri. Judge G. Thomas Eisele, Judge Robert T. Dawson, and Judge William R. Wilson, Jr., from Arkansas and Judge James M. Rosenbaum from Minnesota.



**Judge Linda R. Reade**  
**(1948 - )**  
**Served 2002-Present**

Judge Linda R. Reade was appointed as a Judge for the United States District Court, Northern District of Iowa, by President George W. Bush. Her commission was signed by the President on November 26, 2002.

Judge Reade was born in Sioux Falls, South Dakota on February 1, 1948. She graduated with Honors and Order of Coif from Drake University Law School, Des Moines, Iowa in 1980. She received a Master's Degree in Higher Education Administration from Iowa State University, Ames, Iowa, in 1973; and an undergraduate degree in Biology from Drake University in Des Moines, Iowa, in 1970.

From 1980 to 1986, Judge Reade was in the private practice of law handling civil and criminal matters in state and federal courts.

In 1986, Judge Reade began serving as an Assistant United States Attorney for the Southern District of Iowa. She served as an Assistant United States Attorney from 1986 to 1993, and as Chief of the Criminal Division of that office from 1990 to 1993. While an Assistant United States Attorney, Reade prosecuted white-collar crimes, federal income tax offenses, firearms offenses, bank robberies, controlled substances offenses and arson. She wrote appellate briefs and argued cases on appeal to the United States Court of Appeals for the Eighth Circuit. Judge Reade received commendations for her work

as a federal prosecutor from the United States Department of Justice as well as from the Iowa Firemen's Association and the American Library Association. In 1993, the Executive Office for United States Attorneys formally recognized her managerial skills with an award for superior performance in a supervisory role.

In 1993, Judge Reade was appointed a judge for the Iowa District Court, a court of general jurisdiction. Judge Reade handled a diverse docket of cases ranging from complex tort and business litigation to criminal prosecutions to family and juvenile matters. In addition to hearing cases, Judge Reade was a leader in state court initiatives aimed at improving the delivery of judicial services.

Judge Reade has been extensively involved in bar activities throughout her professional life. Judge Reade has served on the Iowa State Bar Association Jury Instruction Committee and the Annual Meeting Committee. She frequently makes presentations to professional groups, including lawyers and judges on a variety of topics including ethics, trial practice, and changes in the law.

She is a former director of the Iowa Judges' Association and has served as co-chair of the Iowa Judges' Association Education Committee. She has also served on the Iowa Judicial Branch Education Committee.

While an Assistant United States Attorney, she taught segments of courses for the United States Department of Justice and for the United States Bureau of Alcohol, Tobacco and Firearms at the Federal Law Enforcement Training Center. In addition, Judge Reade has taught in the Trial Techniques Program at Emory Law School in Atlanta, Georgia. She also taught Trial Advocacy for the Drake University Law School in Des Moines, Iowa. Judge Reade served as a member and an officer in the C. Edwin Moore American Inn of Court and as a member of the Blackstone Inn of Court.

## BANKRUPTCY

The office of "referee" was created in 1898 to assist the district judges in administering bankruptcy proceedings.<sup>238</sup> Although the referees' jurisdiction under the 1898 Act was limited, eighty years later Congress passed the Bankruptcy Act of 1978 which expanded the jurisdiction of the referees and established "in each judicial district, a bankruptcy court which shall be a court of record known as the United States Bankruptcy Court for the district."<sup>239</sup> That same year, Congress gave the referees the title "bankruptcy judge" which was more commensurate with their responsibilities.<sup>240</sup>

Prior to 1944, there are no official records of the individuals who served as referees in the Northern District. In 1944, John H. Mitchell of Fort Dodge was appointed to the position which was then only part-time.<sup>241</sup> In a report dated January 25, 1963, the Bankruptcy Division of the Administrative Office recommended that the part-time referee position in the Northern District be changed to a full-time position.<sup>242</sup> The Bankruptcy Division noted that the volume of business in the Northern District had increased rapidly since 1960. In 1960, there were 254 bankruptcy cases filed in the district, and in 1962 the total rose to 550 cases.<sup>243</sup> The Director of the Administrative Office approved the recommendation; however, change was deferred for lack

---

<sup>238</sup>See Bankruptcy Act of 1898, § 33, 30 Stat. 544, 555.

<sup>239</sup>Bankruptcy Act of 1978, Pub. L. No. 95-598, tit. 11, § 151(a), 92 Stat. 2549, 2657.

<sup>240</sup>By Act of Nov. 6, 1978, Pub. L. No. 95-598, tit. 11, § 213, 92 Stat. 2549, 2661, Congress amended 28 U.S.C. § 451 which defines the term "judge of the United States" to include within its definition the term "judge of the bankruptcy courts."

<sup>241</sup>Interview with Barbara Everly, Clerk of the Bankruptcy Court for the Northern District of Iowa, in Cedar Rapids, Iowa (July 15, 1986).

<sup>242</sup>*Admin. Office of the United States Courts Rep.* A-47 (Jan. 25, 1963).

<sup>243</sup>*Id.*

of funds.<sup>244</sup>

In 1964, the Bankruptcy Division reported that 724 cases had been filed in the Northern District that year.<sup>245</sup> The Division again recommended changing the referee position to full-time.<sup>246</sup>

Mr. Mitchell served as part-time referee until March 26, 1965, when the court ordered that the office and headquarters of the first full-time referee in bankruptcy for the district be located in Cedar Rapids.<sup>247</sup> The court appointed William W. Thinnes as a full-time referee on March 27, 1965.<sup>248</sup> Judge Thinnes was born April 28, 1930, in Chicago, Illinois.<sup>249</sup> He received his A.B. degree from Loras College in Dubuque, Iowa, in 1952 and his law degree from De Paul University College of Law in 1959.<sup>250</sup> He engaged in the private practice of law at varying times in Dubuque<sup>251</sup> and from 1964 to 1965 served as United States commissioner for the Northern District of Iowa.<sup>252</sup> He married

---

<sup>244</sup>See *id.* at A-1; *Admin. Office of the United States Courts Rep.* 48 (Aug. 18, 1964).

<sup>245</sup>*Admin. Office of the United States Courts Rep.* 48 (Aug. 18, 1964).

<sup>246</sup>*Id.*

<sup>247</sup>See Administrative Order Book, in Cedar Rapids, Iowa (Mar. 11, 1965, entry).

<sup>248</sup>*Id.*

<sup>249</sup>Bankruptcy Division of the Administrative Office of the United States Courts, *Biographical Directory of Bankruptcy Judges.*

<sup>250</sup>*Id.*

<sup>251</sup>*Id.*; Interview with Louise Wortman, Deputy Clerk, in Cedar Rapids, Iowa (July 21, 1986).

<sup>252</sup>Administrative Order Book, in Cedar Rapids, Iowa (Jan. 7, 1964, and Mar. 11, 1965, entries).

Joanne Ryder and they had three sons, John, David, and William, and three daughters, Paula, Laura, and Maryclare.<sup>253</sup>

Judge Thinnes resided in Marion and served until his untimely death September 4, 1985.<sup>254</sup> During his last few years on the bench, Judge Thinnes presided over many farm bankruptcies. The number of farm bankruptcies filed in the district had risen from 2 in 1980 to 198 in 1985; and, on March 19, 1986, 500 farm bankruptcies were pending in the Northern District.<sup>255</sup> Many close to the situation were persuaded that overwork was one of the reasons for Judge Thinnes' untimely death.

From September 4, 1985, until January 30, 1986, the Northern District of Iowa was without a bankruptcy judge. During this period, several judges from other districts sat by assignment. The visiting judges included Thomas Wood from Muncy, Pennsylvania; John J. Connelly from St. Paul, Minnesota; Peder K. Ecker from Sioux Falls, South Dakota; William A. Hill from Fargo, North Dakota; Robert J. Kressel and Margaret A. Mahoney from Minneapolis, Minnesota; Robert D. Martin from Madison, Wisconsin; Mark B. McFeeley from Albuquerque, New Mexico; Joel Pelofsty from Kansas City, Missouri; Richard F. Stageman from Des Moines, Iowa; and, James E. Yacos from Manchester, New Hampshire.<sup>256</sup> On January 30, 1986, Michael J. Melloy was sworn in as the bankruptcy judge for the Northern District of Iowa.

Judge Melloy was born in Dubuque, Iowa, on January 15,

---

<sup>253</sup>Bankruptcy Division of the Administrative Office of the United States Courts,  
*supra* note 247.

<sup>254</sup>Interview with Louise Wortman, *supra* note 249.

<sup>255</sup>Telephone interview with Wayne Messerly, Iowa Department of Agriculture (September 3, 1986). The number of farm bankruptcies filed in the Southern District also rose sharply—from 7 in 1980 to 370 in 1985. *Id.*

<sup>256</sup>Interview with Verlene Cannon, Deputy Clerk, in Cedar Rapids, Iowa (Jan. 15, 1987).

1948.<sup>257</sup> He graduated from Loras College in 1970 with his B.A. degree, then attended the University of Iowa College of Law where, in 1974, he graduated with his law degree.<sup>258</sup> He was admitted to the Iowa and Illinois bars and practiced law in Dubuque, Iowa, with O'Connor & Thomas, P.C., until his appointment as bankruptcy judge.<sup>259</sup> He married Jane Anne Knapp, they have three daughters: Jennie, Katie, and Bridget.<sup>260</sup> The Melloyes reside in Cedar Rapids. Judge Melloy was appointed District Court Judge for the Northern District of Iowa on August 18, 1992, and to the Eighth Circuit Court of Appeals on February 14, 2002.

On October 27, 1986, Congress enacted the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554). In response to increased bankruptcy filings throughout the nation, the Act established 52 new bankruptcy judgeships nationwide, including one in the Northern District of Iowa. On August 9, 1987, the Eighth Circuit Court of Appeals appointed William L. Edmonds to fill the new position.

Judge Edmonds was born in New York City on March 1, 1944. He grew up in Westwood, New Jersey. He attended the University of Missouri at Columbia and received a B.A. degree in 1966 and a Master of Arts degree in Journalism in 1968. From 1967 to 1976, he worked in communications. In 1978, he graduated from the University of Iowa College of Law where he was named to the Order of the Coif. From 1978 until his appointment to the bench, he practiced law in Sioux City, Iowa with the firm of Carter, Sar and Edmonds. In 1966, he married Lyn Van Osdol whose father was an attorney in Kansas City, Missouri, and whose grandfather was a commissioner of the Missouri Supreme Court. They have two children, Sarah Edmonds Harris and William

---

<sup>257</sup>*The Iowa Legal Directory* 129 (1985).

<sup>258</sup>*Id.*

<sup>259</sup>*See id.*

<sup>260</sup>Address by Judge Melloy, Investiture Ceremony (January 30, 1986).

Tyson Edmonds, and two grandchildren. Judge and Mrs. Edmonds reside in Sioux City.

On April 23, 1993, Judge Paul J. Kilburg was sworn in as a bankruptcy judge for the Northern District of Iowa. Judge Kilburg was born in Bellevue, Iowa, on January 15, 1945. He served in the United States Air Force from 1963-1968. He graduated from the University of Nebraska in 1971 with his B.A. degree. He attended and graduated from Washburn University School of Law in 1974. He was admitted to the Iowa Bar and practiced law in Cedar Rapids, Iowa, with the firm of Keyes and Crawford until his appointment as Assistant Juvenile Judge in 1978. In 1981, he was appointed District Court Judge for the Sixth Judicial District in Iowa and served in that capacity until his appointment as bankruptcy judge. He married Candace Knapp in 1974. They have one son, Nick, who is attending Carleton College in Northfield, Minnesota. The family resides in Cedar Rapids, Iowa.

## UNITED STATES MAGISTRATE JUDGES

The Federal Magistrates Act of 1968<sup>261</sup> was aimed at a sweeping reform of the commissioner system that had been in effect almost two hundred years. Until 1968, United States commissioners functioned as judicial officers in the district courts.<sup>262</sup> The commissioners were called upon to referee civil claims, certify depositions', file complaints, admit accused persons to bail, issue attachments, dispose of tax matters, grant or deny applications for search warrants, and try persons accused of petty offenses.<sup>263</sup> The commissioners' decisions, however, were subject to a trial de novo on appeal.<sup>264</sup>

In 1965 and 1966, a senate subcommittee conducted comprehensive hearings on the commissioner system and concluded that reform was needed.<sup>265</sup> Two proposals emerged. The first would have transferred the commissioners' duties to the district court judges. The second would have upgraded the position of commissioner. The subcommittee adopted the latter proposal and on October 17, 1968, President Johnson signed the Federal Magistrates Act into law.<sup>266</sup>

As enacted, the 1968 Act grants federal magistrate judges the power to administer oaths and affirmations, try misdemeanors in all but a few cases, establish conditions of release other than bail for accused persons, and perform such additional duties as the district judge may

---

<sup>261</sup>Pub. L. No. 90-578, 82 Stat. 1107 (codified at 28 U.S.C. §§ 604, 631-639 (1976 & Supp. II 1981) and 18 U.S.C. §§ 3060, 3401-3402 (1982)).

<sup>262</sup>K. Klein, *Federal and State Court Systems - A Guide* 191 (1977).

<sup>263</sup>*Id.*

<sup>264</sup>*Id.*

<sup>265</sup>Administrative Office of the United States Courts, *I Legal Manual - United States Magistrates* § 2.03, at 2-5 to -6.

<sup>266</sup>*See id.*; Pub. L. No. 90-578, 82 Stat. 1107 (1968).

direct.<sup>267</sup> The latter may include serving as a special master in a civil action, assisting the district judge in the conduct of pretrial or discovery proceedings, and preliminary review of habeas corpus petitions.<sup>268</sup> The Act has been amended several times to improve the magistrate system and to expand the jurisdiction of the magistrates.<sup>269</sup> In 1971, the court appointed the original magistrates for the Northern District of Iowa.<sup>270</sup> Until October 4, 1987, only James Denton Hodges, Jr., served as full-time magistrate judge.

---

<sup>267</sup>Federal Magistrates Act, Pub. L. No. 90-578, § 636(a), 82 Stat. 1107, 1113 (1968); K. Klein, *supra* note 260, at 192; Administrative Office of the United States Courts, *supra* note 263, § 2.03, at 2-16.

<sup>268</sup>Federal Magistrates Act, Pub. L. No. 90-578, § 636(b), 82 Stat. 1107, 1113 (1968); Administrative Office of the United States Courts, *supra* note 263, §2.03, at 216.

<sup>269</sup>See Administrative Office of the United States Courts, *supra* note 263, §2.01, at 2-2.

<sup>270</sup>Administrative Order Book, in Cedar Rapids, Iowa (Jan. 12, 1971, entry).



**Magistrate Judge James Denton Hodges**  
**(1944 - )**  
**Served 1971-1987**

Magistrate Judge Hodges was born November 9, 1944, in Torrence, California.<sup>271</sup> He attended Roosevelt High School in Des Moines, Iowa, then the University of Iowa in Iowa City, from which he obtained his law degree in 1969.<sup>272</sup> He was a member of the Law Review and The Order of Coif. After law school, he served as a law clerk to Chief Judge Edward J. McManus<sup>273</sup> during 1969 and 1970. Thereafter, he was appointed United States Commissioner for the Northern District and Chief Deputy Clerk. He held that position until January 1, 1970. With the passage of the Magistrates Act, he was appointed to a combination position as magistrate judge (with full range of duties)/chief deputy clerk.<sup>274</sup> On January 1, 1980, he was appointed to a combination positions of magistrate judge (with full

---

<sup>271</sup>Interview with Magistrate Judge Hodges, in Cedar Rapids, Iowa (June 2, 1986).

<sup>272</sup>*Id.*

<sup>273</sup>Administrative Office of the United States Courts, *Biographical Directory - United States Magistrates* (1982).

<sup>274</sup>Interview with Magistrate Judge Hodges, *supra* note 269.

range of duties)/clerk<sup>275</sup> where he served until he was appointed the districts first full time magistrate judge on September 22, 1980.<sup>276</sup>

He continued to serve as a full-time magistrate judge, with his office in the United States Courthouse at Cedar Rapids, until he resigned on October 4, 1987, to enter private practice as a partner in Cedar Rapids with the firm of Shuttleworth & Ingersoll, P.C. He practiced with Shuttleworth & Ingersoll, P.C., until he returned to the court as Clerk on January 1, 1996.

He married Anne Peacock, and they have two sons: James Denton and Thomas Kenneth.<sup>277</sup>

---

<sup>275</sup>*Id.*

<sup>276</sup>*Id.*

<sup>277</sup>*Id.*



**Magistrate Judge John A. Jarvey**  
**(1956 - )**  
**Served 1987-Present**

On October 5, 1987, John A. Jarvey was selected to succeed James D. Hodges, Jr. as United States Magistrate Judge for the Northern District of Iowa.

Magistrate Judge Jarvey is a 1981 graduate of the Drake University School of Law in Des Moines, Iowa. He received a Bachelor of Science degree in accounting from the University of Akron in 1978. He was married in 1981 to the former Mary Ann George. They have three children.

Upon completion of law school in 1981, John Jarvey became a law clerk to the Honorable Donald E. O'Brien, then United States District Court Judge for the Northern and Southern Districts of Iowa. Following this clerkship, he was selected for the Honors Program at the United States Department of Justice. At the Justice Department, Jarvey worked briefly in the criminal division's Asset Forfeiture Office and then spent the remainder of his prosecuting career in the Narcotics and Dangerous Drug Section. In that position, he traveled the country trying complex criminal cases. He developed a specialty prosecuting physicians and pharmacists for illegal pharmaceutical drug diversion. He also became specialized in investigations involving wiretapping. On assignment in Iowa, he secured the first conviction in Iowa for violation of the continuing criminal enterprise statute.

As a Magistrate Judge, John Jarvey has presided over 400 civil

cases. Among noteworthy cases over which Judge Jarvey presided is Lundell Manufacturing, Inc. v. American Broadcasting Companies, Inc., 98 F.3d 351 (8th Cir. 1996). In that case, the plaintiff, a small manufacturing firm from northwest Iowa, sued ABC news for a defamatory statement concerning Lundell's garbage recycling machine that was aired on its evening national news. The plaintiff in that case won a verdict in excess of one million dollars.

In another high profile case, Wright v. Mason City Community School District, et al., 940 F. Supp. 1412 (N.D. Iowa 1996), Judge Jarvey presided over the first jury trial in the country in which a high school student sued the school administration for failing to address sexual harassment by other students at the school. The plaintiff won a verdict against the school district, but the verdict was set aside by Judge Jarvey on post-trial motions.

In 1999, the Eighth Circuit Court of Appeals affirmed an award of \$4 million in punitive damages by Judge Jarvey in a case where a national insurance company wrongfully terminated a local agency in an effort to appropriate business generated by the agent on a unique insurance product developed for the company by the local agent. S & W Agency, Inc. v. Foremost Insurance Co., 51 F. Supp. 959 (N.D. Iowa 1998).

Judge Jarvey serves on the adjunct faculty at the University of Iowa College of Law teaching Trial Advocacy courses since 1993. He is also a frequent lecturer at Iowa Continuing Legal Education seminars. Judge Jarvey is a charter member of the Dean Mason Ladd American Inn of Court and served as its President in 2000-2001.



**Magistrate Judge Paul A. Zoss**  
**(1947 - )**  
**Served 1997-Present**

U.S. Magistrate Judge Paul A. Zoss took the bench on January 27, 1997. He is the son of Abraham and Mildred Zoss of South Bend, Indiana. He attended the Northwestern University in Evanston, Illinois, and earned a Bachelor of Science degree in finance from Indiana University in Bloomington, Indiana, in 1969. He graduated with honors from the University of Texas School of Law in 1972, earning The Order of the Coif.

Judge Zoss entered the U.S. Justice Department honors program in May 1972, and for three years was a trial attorney in the Court of Claims section of the Civil Division. He was appointed Assistant U.S. Attorney in the Southern District of Iowa in September 1974, and in 1977, he served as Acting U.S. Attorney in Des Moines. In 1977, he entered the private practice of law, and in 1984, he was a founding partner of Adams, Howe and Zoss. While in private practice, Judge Zoss handled mostly litigation matters, representing a wide range of clients, including indigent and non-indigent criminal defendants in state and federal courts; individuals with tort, contract, and employment claims, corporations and transportation companies, both large and small; several major banks; a large pension and health welfare trust; the Federal Deposit Insurance Corporation; and the Resolution Trust Corporation.

In 1993, Judge Zoss became the first Federal Public Defender

in Iowa, and he established offices in Des Moines, Cedar Rapids, and Sioux City. As the Federal Defender, he served on several committees at the Administrative Office of the U.S. Courts, and was an officer with the Federal Public Defender Organization.

Judge Zoss is married to Darci Zoss, and they have triplets who were born June 10, 1998, and a son who was born August 8, 1999. Judge Zoss also has four grown children. Judge Zoss resides in Sioux City, but presides over matters throughout the district.

## HONORABLE MARTIN D. VAN OOSTERHOUT

No history of the Northern District of Iowa should fail to include mention of the Honorable Martin D. Van Oosterhout. Judge Van Oosterhout was a native of the district who became Chief Judge of the Eighth Circuit Court of Appeals.

Judge Van Oosterhout was born at Orange City, Iowa, on October 10, 1900. Judge Van Oosterhout attended the University of Iowa where he received his bachelor of arts and law degrees graduating in the Class of 1924. While at Iowa, he was on the track and football teams. He was a member of the Law Review, elected to the Order of Coif and president of his law class in his senior year.

In November of 1942, he was elected to his first term as a judge of the 21st Judicial District of Iowa, and assumed that office on January 1, 1943.

Judge Van Oosterhout was appointed to the Eighth Circuit Court of Appeals by President Eisenhower, confirmed by the Senate, and assumed the duties of this high judicial post on August 26, 1954. He was on active duty from 1954 to 1971, Chief Judge for two and a half years from 1968 to 1970, and a Senior Judge from 1971 until his death on January 28, 1979.

Mr. Justice Blackmun, a former member of the Eighth Circuit Court and later a Justice of the United States Supreme Court said this about his colleague:

Martin was a fine example of what a Judge should be. He was possessed of innate and excellent judicial reaction. He had a feel for the heart of the case. He presided with dignity and fairness. He was impressive in appearance and yet was gentle of manner. He could adhere to a position with grace. His dissents were never bitter or caustic, and what good company he was both on and off the bench. He was a joy to be with as we

discussed cases and the important and unimportant events of the day.

Martin, in my view, takes his place among the great Judges, and there have been many that have come forth from the Eighth Circuit. I was privileged and honored to have served with him for almost 11 years.

Judge Van Oosterhout's memorial services are set out in the opening pages of Volume 602, F.2d The chairperson of those services was former Congressman Wiley Mayne who tried many cases in the Northern District courts.

## CLERKS OF THE DISTRICT COURT

The clerk, chief deputy clerk, and deputy clerks comprise the clerk's office which serves as the court's contact with the members of the bar and the public.<sup>278</sup> The clerk basically functions as the court's office manager, filing all papers, entering judgments, preparing jury lists and commitment papers, issuing writs, and keeping the administrative orders and the records of all cases, naturalizations, and attorneys admitted to practice in the district. With the transition to decentralized budgeting in the 1990's, the duties of the Clerk expanded substantially with the Clerk becoming the primary financial officer for the District. As certifying officer, the Clerk is responsible for managing the finances for the District including making all procurements, drafting, and managing the budget, and paying the bills for all court units.

The first clerk of the Northern District was Alonzo J. Van Duzee. He was appointed by Judge Oliver P. Shiras in 1882, just after the court for the Northern District of Iowa was created.<sup>279</sup> Born January 6, 1834, in Governor, New York,<sup>280</sup> Alonzo Van Duzee had practiced law with Judge Shiras in Dubuque, Iowa.<sup>281</sup> Mr. Van Duzee remained clerk for thirty years, until his death November 15, 1912.<sup>282</sup>

On November 27, 1912, Judge Henry Reed appointed Lee

---

<sup>278</sup> Act of Mar. 3, 1845, ch. 76, § 2, 5 Stat. 789, directs the district judge to appoint a clerk of court to keep the court's records. Thereafter, Congress authorized the clerk to appoint deputy clerks. Act of Mar. 3, 1849, ch. 124, § 4, 9 Stat. 410, 412.

<sup>279</sup> Interview with William Kanak, *supra* note 180.

<sup>280</sup> L. McNeely, *supra* note 23, at 17.

<sup>281</sup> E. Stiles, *supra* note 19, at 168.

<sup>282</sup> Special Session of the United States District Court for the Northern District of Iowa in Recognition of Mr. Lee McNeely's Completion of Forty Years of Service as Clerk of Said Court 5 (Dec. 13, 1952) (remarks of Judge Graven) [hereinafter cited as Special Session].

McNeely to succeed Mr. Van Duzee.<sup>283</sup> Mr. McNeely was born August 21, 1876, in Beaver, Pennsylvania.<sup>284</sup> In 1878, his family moved to Washington, D.C., where he received his education.<sup>285</sup>

After completing high school, he worked as a Washington correspondent for several newspapers, then came to Dubuque in 1897 as secretary to Colonel David B. Henderson.<sup>286</sup> From 1899 to 1903, while Henderson served as a speaker of the House of Representatives, Mr. McNeely worked as his clerk.<sup>287</sup> When Joe Cannon of Illinois became speaker in 1903, he kept Lee McNeely as his clerk. In 1905, McNeely resigned to become secretary to Senator William B. Allison of Dubuque.<sup>288</sup>

He moved west to South Dakota to homestead in 1909. The next spring, he married Marion Hurd of Dubuque. After homesteading two years, the couple returned to Dubuque.<sup>289</sup>

During William Howard Taft's election battle of 1912, McNeely served in New York City as stenographer to Charles D. Hillis.<sup>290</sup> After the election, McNeely became clerk of the district court.<sup>291</sup> He retired August 31, 1957, at the age of eighty-one, after serving longer at the time of his retirement, than any other clerk in the

---

<sup>283</sup>L. McNeely, *supra* note 23, at 18.

<sup>284</sup>*McNeely Resigns . . . Appoint Riley to Federal Court Clerk's Position*, Dubuque Telegraph-Herald, Aug. 15, 1957.

<sup>285</sup>*Id.*

<sup>286</sup>*Id.*

<sup>287</sup>Renner, 200 *Jam U.S. Court to Honor McNeely for 'Excellent' Service*, Dubuque Telegraph-Herald, Dec. 14, 1952, at 1.

<sup>288</sup>*Id.*

<sup>289</sup>*Id.*

<sup>290</sup>*Id.* Charles Hillis was chairman of the national committee for Taft. *Id.*

<sup>291</sup>*Id.*

history of the federal district courts.<sup>292</sup>

It is interesting to note that prior to 1925, the clerk was dependent on the collection of fees for his compensation. Mr. McNeely described the pay system as follows:

T]here was a ten cents charge for filing a bill of complaint; for a removal case to the District Court, there was a ten cents charge; filing a praecipe was ten cents, and making an entry fifteen cents. In those days, there was a statute by which we took a commission out of every cash deposit - 1 per cent. For instance, when a case was filed there was a ten dollar fee for filing the same, and against that there was a charge of ten cents. All of these small items had to be taxed and estimated in the judgment. It was really quite a vexatious task. In 1925, Congress passed a fee bill, which was a very efficient step in bringing up to date the administrative details of the Clerk's office.<sup>293</sup>

Following Mr. McNeely's retirement in 1957, Judge Henry Graven named Carl V. Riley of Dubuque as court clerk.<sup>294</sup> Mr. Riley was already familiar with the court, having worked as the court reporter

---

<sup>292</sup>*McNeely Resigns . . . Appoint Riley to Federal Court Clerk's Position*, *supra* note 282.

<sup>293</sup>Special Session, *supra* note 280, at 68-69 (remarks of Lee McNeely).

<sup>294</sup>*McNeely Resigns...Appoint Riley to Federal Court Clerk's Position*, *supra* note 282.

from September 1946 to January 1955.<sup>295</sup> He resigned from his position as clerk August 31, 1962, but was reappointed to serve twelve days in September (September 1, 1962 - September 12, 1962).<sup>296</sup> John J. O'Connor of Strawberry Point, Iowa, succeeded Carl Riley. Mr. O'Connor served as a state senator from 1957 to 1961, then as a member of the Iowa State Tax Commission beginning in 1962.<sup>297</sup> He resigned from his commission post when Judge Edward J. McManus appointed him clerk on September 1, 1962.<sup>298</sup> About the time of Mr. O'Connor's appointment, Judge McManus transferred the clerk's headquarters from Dubuque to Cedar Rapids. Mr. O'Connor worked as clerk in the Cedar Rapids office until July 1, 1970, when he transferred to the Sioux City office.<sup>299</sup> Mr. O'Connor married Kathleen Cassidy and they had two daughters, Maureen and Ellen.<sup>300</sup>

The next clerk was Kenneth W. ("Bud") Fuelling, a native of Farmersburg, Iowa.<sup>301</sup> After graduating from the University of Iowa in 1934, he worked a variety of jobs and served two terms in the Iowa General Assembly. He resigned as state representative of Clayton County in 1962 to work with the federal court.<sup>302</sup> He served as a United States commissioner and as a chief deputy clerk for the Northern District before being appointed clerk by Judge McManus in

---

<sup>295</sup>*See id.*

<sup>296</sup>Interview with William Kanak, *supra* note 180.

<sup>297</sup>*Id.*, - 48 *Iowa Official Register* 253 (1959-1960).

<sup>298</sup>Interview with William Kanak, *supra* note 180.

<sup>299</sup>*Id.*

<sup>300</sup>48 *Iowa Official Register* 254 (1959-1960).

<sup>301</sup>Interview with William Kanak, *supra* note 180.

<sup>302</sup>*Id.*

June of 1970.<sup>303</sup> He entered on duty July 1, 1970, then voluntarily retired December 28, 1979.<sup>304</sup> When Mr. Fuelling retired, Judge McManus appointed his former law clerk James D. Hodges, Jr., to the clerk's position. From January 1, 1980, to September 21, 1980, James Hodges functioned as both part-time magistrate judge and as clerk of court.<sup>305</sup>

Judge McManus next appointed William J. ("Bill") Kanak. Mr. Kanak was born in Iowa City, Iowa, on September 27, 1924.<sup>306</sup> After attending local grade and high schools, he studied engineering at the University of Iowa for one year, then served with the Army Air Corps during World War II.

Upon medical discharge from the Army in 1943, Mr. Kanak returned to the university where he attended liberal arts and law school. In 1947, he received his B.A. degree in political science. Thereafter, he worked in the lumber and brokerage businesses until he assumed his position as clerk September 29, 1980.<sup>307</sup> Bill Kanak married Beverly Stoltenberg and they have three daughters, Ann, Mary, and Julie.<sup>308</sup>

The family resides in Marion. William Kanak retired in December of 1995.

On January 8, 1996, Chief Judge Michael J. Melloy appointed James D. Hodges, Jr., as Clerk of Court. Mr. Hodges' prior service to

---

<sup>303</sup>*Id.*; Administrative Order Book, in Cedar Rapids, Iowa (Oct. 24, 1962, entry) (appointing Kenneth Fuelling as U.S. commissioner).

<sup>304</sup>Interview with William Kanak, *supra* note 180.

<sup>305</sup>Interview with Magistrate Judge Hodges, *supra* note 269.

<sup>306</sup>Interview with William Kanak, *supra* note 180.

<sup>307</sup>*Id.*; Administrative Order Book, in Cedar Rapids, Iowa (Sept. 26, 1980, entry).

<sup>308</sup>Interview with William Kanak, *supra* note 180.

the court is documented under the Magistrate Judges' section of this history. Prior to his return to the court in 1996, Mr. Hodges had practiced with the law firm of Shuttleworth & Ingersoll, P.C., in Cedar Rapids, Iowa.

## THE PROBATION OFFICE

The United States Supreme Court in 1916 held that the federal courts did not have the inherent power to suspend indefinitely the imposition or execution of a sentence.<sup>309</sup> The Court indicated, however, that the legislature could empower the courts to suspend sentence.<sup>310</sup> During 1916-1925, several unsuccessful attempts were made to give federal judges the authority to grant probation.<sup>311</sup> Then in 1925, Congress enacted the National Probation Act.<sup>312</sup>

The Act authorized the federal district judges (with the exception of the District of Columbia) to appoint one salaried probation officer and one or more volunteer officers to each district.<sup>313</sup> To qualify for the salaried appointment, an applicant had to take a competitive civil service examination.<sup>314</sup> In 1930, the provision allowing only one salaried probation officer to each district was removed and the federal judges were given the right to appoint without reference to the civil service list.<sup>315</sup> In addition, Congress assigned responsibility for coordinating probation in the federal system to the Bureau of Prisons in the Department of Justice and designated the United States Attorney General as chief administrator.<sup>316</sup> The responsibility for federal

---

<sup>309</sup>*Ex parte United States*, 242 U.S. 27 (1916).

<sup>310</sup>*Id.*

<sup>311</sup>R. Henningsen, *Probation and Parole* 15 (1981); G. Killinger, H. Kerper & P. Cromwell, Jr., *Probation and Parole in the Criminal Justice System* 25 (1976).

<sup>312</sup>Act of Mar. 4, 1925, ch. 251, 43 Stat. 1259.

<sup>313</sup>*Id.* § 3, 43 Stat. at 1260.

<sup>314</sup>*Id.*

<sup>315</sup>Act of June 6, 1930, ch. 406, § 1, 46 Stat. 503; G. Killinger, H. Kerper & P. Cromwell, Jr., *supra* note 309, at 25.

<sup>316</sup>R. Henningsen, *supra* note 309, at 15-16; *see* Act of June 6, 1930, ch. 406, § 2, 46 Stat. 503, 503-04 (Attorney General's administrative responsibilities).

probation was transferred, however, to the Administrative Office of the United States Courts after its creation by Congress in 1939.<sup>317</sup>

The first probation officer to serve the Northern District of Iowa was Michael L. Healy.<sup>318</sup> Prior to his appointment as probation officer, Mr. Healy had worked in the marshal's service for the district. He was appointed deputy marshal during President Grover Cleveland's second term. Although it was customary at that time for the personnel in the marshal's service to change when the political party affiliation of the presidential administration changed, Mr. Healy was retained until 1933 when Don A. Preussner became marshal.

Mr. Healy had become a fixture in the Cedar Rapids Courthouse and when he was terminated by Marshal Preussner, Judge Scott appointed him as the district's original probation officer. Mr. Healy retired in 1935.<sup>319</sup> Charles F. Holly was chosen by Judge Scott to succeed Michael Healy.<sup>320</sup> Mr. Holly was born in Cherokee County, Iowa, and attended local public schools. He graduated from Larrabee High School and served in the Spanish American War and World War I. Sometime later, he was employed as a deputy marshal for the Northern District of Iowa.

After Franklin D. Roosevelt's presidential election in 1932, there was a turnover in personnel in the marshal's service and Mr. Holly was released from his post. Thereafter, when Mr. Healy retired as probation officer, Charles Holly was available to fill the vacancy.

Mr. Holly served as probation officer in Sioux City, Iowa, until

---

<sup>317</sup>R. Henningsen, *supra* note 309, at 16; *see* Act of Aug. 7, 1939, ch. 501, 53 Stat. 1223 (creating Administrative Office).

<sup>318</sup>E. Anderson, *A History of the Probation Office for the Northern District of Iowa: 1933-1986*, at 4-5 (Apr. 1986) (unpublished manuscript available in the Administrative Order Book, in the clerk of court's office, United States Courthouse, Cedar Rapids, Iowa (Apr. 28, 1986, entry)).

<sup>319</sup>*Id.*

<sup>320</sup>*Id.* at 5-6.

September 30, 1946, when he resigned.<sup>321</sup>

Edward L. Anderson became the next probation officer of the Northern District. After receiving his B.A. and M.A. degrees from the University of Iowa, Mr. Anderson worked eight years as a teacher and superintendent in the Iowa public school system. He left the school system when Judge Graven appointed him as probation officer in October of 1946.<sup>322</sup>

In 1957, with increased appropriations from Congress, the probation division of the Administrative Office authorized the appointment of a second probation officer for the Northern District. Dale H. Martin was appointed to the new post and "Ed" Anderson became the district's first chief probation officer.<sup>323</sup>

Mr. Anderson was the chief probation officer in this district until he retired June 30, 1975.<sup>324</sup> He witnessed the establishment of the National Training Center for probation officers in 1949 in Chicago, Illinois. The Center was a significant step toward obtaining national uniformity in the probation system. It was replaced in 1967 with the Federal Judicial Center in Washington, D.C.<sup>325</sup>

In January of 1957, Dale H. Martin was appointed probation officer.<sup>326</sup> He had received his B.A. degree from the University of Northern Iowa and his M.A. degree from the University of Northern Colorado before becoming employed with the Iowa public school system. He left the school system to work in the probation office in 1957.

In 1964 Mr. Martin moved to Sioux City, Iowa, to become

---

<sup>321</sup>*Id.*

<sup>322</sup>*See id.* at 8.

<sup>323</sup>*Id.* at 10-11.

<sup>324</sup>*See id.* at 11-12.

<sup>325</sup> *See id.* at 10.

<sup>326</sup>*Id.* at 10-11.

"Officer in Charge" of the newly established branch probation office.<sup>327</sup> Then in 1975, Ed Anderson retired and Dale Martin became chief probation officer.<sup>328</sup> Martin served as chief officer until his retirement July 30, 1980.<sup>329</sup> In 1974, the Northern District of Iowa was allocated a position for a third probation officer. Michael E. Ebinger was appointed and entered on duty March 1975.<sup>330</sup> He had received his B.A. degree from the University of Iowa and his M.A. degree from Iowa State University. August 1, 1980, he was promoted to chief probation officer.<sup>331</sup> September 3, 1975, Ronald G. Telecky commenced service as a probation officer.<sup>332</sup> He graduated with his B.A. from the University of Northern Iowa and with his M.A. from the University of Iowa.<sup>333</sup>

Gregory Ellerbroek, a graduate of Buena Vista College, was appointed as a probation officer on October 3, 1983, serving in the Sioux City office. In August of 1995, he was promoted to Supervising U.S. Probation Officer. He was again promoted to Deputy Chief Probation Officer in 2000, a position he still holds.

From 1987 through 1997, the probation office continued to experience substantial growth, due to several factors, including a continued emphasis on the prosecution of street crimes, primarily drug offenses, with the concomitant growth in the staff of the United States

---

<sup>327</sup>*Id.* at 10-12.

<sup>328</sup> *Id.* at 12; Administrative Order Book, in Cedar Rapids, Iowa (June 30, 1975, entry).

<sup>329</sup> E. Anderson, *supra* note 316, at 14.

<sup>330</sup> *Id.* at 12; *see* Administrative Order Book, in Cedar Rapids, Iowa (February 28, 1975, entry).

<sup>331</sup> E. Anderson, *supra* note 316, at 14.

<sup>332</sup> *Id.* at 13.

<sup>333</sup> *Id.*

Attorney's Office.<sup>334</sup> The growth was also enabled by the refinement of work measurement formulas and the decentralization of the budgets, with occurred in all of the court units.<sup>335</sup> Much of this activity flowed from the implementation of the Sentencing Guidelines and other Congressional Acts, attempting to address the crime problem. All of these factors tend to increase the duties of probation officers and require more human resources to fulfill legal mandates.

In late 1987 and early 1988, the Federal Judicial Center which had primary responsibility for providing orientation for new U.S. Probation Officers, established the "Academy" concept of training for newly-hired officers. Thereafter, most officers were extended to seven to ten day training sessions outside Baltimore, Maryland, at a contract facility referred to as MITAGS.<sup>336</sup>

In addition to the establishment of the Federal Sentencing Guidelines which were effective for offenses committed on or after November 1, 1987, the Sentencing Reform Act also spawned the Bail Reform Act of 1984, which eventually resulted in the separation of the pretrial Services from Probation Officers in many districts throughout the nation.<sup>337</sup> In the Northern District of Iowa, it was impractical to separate and the district has remained as a "combined" operation performing both functions. However, the significance of this division of labor could not be understated and even resulted in the Probation Division of the Administrative Office being renamed the Probation and

---

<sup>334</sup>Letters from Michael Ebinger to Regional Probation Administrator Stephen M. Donnelly with attachments - April 28, 1988, and March 1, 1990 - *See also*, Report of the Judicial Conference of the United States Congress - Impact of Drug Related Criminal Activity on the Federal Judiciary, March 1989.

<sup>335</sup>Memo, February 10, 1989, from Director L. Ralph Mecham - subject "Staffing Allocation Studies"

<sup>336</sup>News and Views, Volume XIII, No. 13 - June 27, 1988, pg. 6.

<sup>337</sup>For an extensive history of this issue, *see* Judicial Conference Committee on Criminal Law's Report on the Study of Savings in Probation and Pretrial Services - September 1997.

Pretrial Services Division.<sup>338</sup>

The appointment of Ms. Buckner did result in the official opening of a branch office in Waterloo in January of 1991.<sup>339</sup> The district previously had a small, temporary office used to meet with officers. The Waterloo office is occupied only by Debra Buckner, but is fully equipped with all necessary office products.

In March 1993, the probation office instituted one of the more profound organizational changes in its history. Due to the increasing complexity of both the Sentencing Guidelines and the newly-introduced Enhanced Supervision System, the duties of probation officers were bifurcated to perform either presentence reports or supervision and officers were asked to “specialize” in one or the other.<sup>340</sup>

Throughout the 90's, the probation office continually modernized and began to utilize new technology in the performance of duties. All computers were networked locally and in a wide area. Officers were provided with cellular telephones and laptop computers. The office telephone system had extensive voice messaging capabilities. Offenders could be monitored electronically with the use of receivers and bracelets. Urine testing to detect drug use became more sophisticated, including the employment of on-site devices that would give immediate results.<sup>341</sup>

In 1995, the probation office, as in the case of all other court units, came under the new pay system which was incorporated under the Court Personnel System (CPS) which also included a Cost Control Monitoring System (CCMS). This was very significant in that it changed human resources from a concept of hiring people to fit into a

---

<sup>338</sup>News and Views, Volume XV, No. 20, October 1, 1990, pg. 1; also, Memo from L. Ralph Mecham, September 28, 1990, re: “Name Change for Probation Division.”

<sup>339</sup>Interview with CUSPO Michael Ebinger

<sup>340</sup>Interview with CUPSO Michael Ebinger.

<sup>341</sup>News and Views, Volume XVIII, No. 21 - “Electronic Monitoring Contract Awarded.” Interview with CUPSO Ebinger.

predetermined kind of position established by the Administrative Office in Washington, D.C., to a system whereby people were hired for locally prescribed needs and only constrained by an overall salaries allotment. In short, the new system provided a great deal of flexibility.<sup>342</sup>

Prompted by the murder in 1986 of U.S. Probation Officer Thomas Gahl, Southern District of Indiana, at Indianapolis, officers in northern Iowa, beginning in 1987, were given the option of being trained in the use of carrying of firearms in the performance of their official duties for self-protection and defensive purposes.<sup>343</sup> Gregory Ellerbroek assumed the position of the Firearms Instructor in the district after attending FBI Instructor Training. Acting as the Chief Judge during this time, Judge O'Brien had granted authorization to carry firearms pursuant to the Judicial Conference Policy that had been in effect since September 26, 1975.<sup>344</sup>

Under the Federal Courts Improvement Act of 1996, permission for United States Probation Officers to carry firearms was codified and on March 11, 1997, the Judicial Conference approved Firearms Regulations submitted by the Director of the Administrative Office of the U.S. Courts. Under those new regulations, Chief Judge Michael Melloy continued the authorization for officers to carry firearms. The new legislation relieved officers from obtaining previously-required state permits.<sup>345</sup>

---

<sup>342</sup>Court Personnel System Revised Interim Report, September 1994. Human Resources Division - Administrative Office of the United States Court.

<sup>343</sup>News and Views, Volume XXII, No. 19 - September 15, 1997 - "We Remember United States Probation Officer Thomas E. Gahl, 1947-1986" and Firearms Instructor/Officer Safety Update #27, September 4, 1996. Memo from the Administrative Office.

<sup>344</sup>Administrative Order book in Sioux City (August 20, 1987 entry signed by then Chief Judge Donald E. O'Brien).

<sup>345</sup>Administrative Order Book in Cedar Rapids (Filed November 5, 1997, signed by Chief Judge Melloy on October 14, 1997). See also, The Federal Courts Improvement Act of 1996 [Publ. No. 104-317, 110 Stat. 3847 (October 19 1996)] and

In December 1996, the probation office volunteered as a pilot district for Operation Drug Test (ODT), a Justice Department initiative to attempt to obtain urine specimens from every criminal defendant brought into federal court. Each defendant needed to consent to such a test. The Judicial Conference had approved the program in twenty-five pilot districts throughout the nation. The purpose was to determine the strength of any association between drug use and criminal activity.<sup>346</sup>

---

18 U.S.C. § 3603(9).

<sup>346</sup>Letter from Attorney General Janet Reno to Chief Judge Michael J. Melloy, August 6, 1996, and The Third Branch, Vol. 29, No. 2., February 1997.

## THE COURT'S REPORTERS

The court en banc appoints reporters who must be present at and record verbatim specified court proceedings.<sup>347</sup> The Court Reporter Act mandates that all proceedings in criminal cases held in open court be recorded and further provides that all proceedings in civil cases held in open court be recorded unless the parties, with the approval of the judge, agree to the contrary.<sup>348</sup> Proceedings that are not held in open court must also be recorded if any party to the proceeding so requests.<sup>349</sup> The Judicial Conference of the United States determines the number of reporters to be appointed by the court and also determines the qualifications that a reporter must possess to serve the district court.<sup>350</sup> Once appointed, a court reporter serves at the pleasure of the court en banc.<sup>351</sup>

Prior to 1946, there are no accessible records of the individuals who served as the court reporter in the Northern District. In 1946, Carl V. Riley was appointed to the position which he held until 1955.<sup>352</sup> Both he and his successor, Arthur Bye, were pen writers who used either Pitman or Gregg shorthand.<sup>353</sup> By contrast, the court's more recent reporters have all used the more efficient machine shorthand,

---

<sup>347</sup>Administrative Office of the United States Courts, *Court Reporters' Manual 1*.

<sup>348</sup>28 U.S.C. 753(b) (1976).

<sup>349</sup>*Id.*

<sup>350</sup>*Id.* § 753(a).

<sup>351</sup>Administrative Office of the United States Courts, *supra* note 338, at 2.

<sup>352</sup>*See McNeely Resigns . . . Appoint Riley to Federal Court Clerk's Position, supra* note 282.

<sup>353</sup>Interview with Burton Boudreau, Court Reporter, in Cedar Rapids, Iowa (Dec. 18, 1986).

also known as stenotype or touch shorthand.<sup>354</sup> This enables the court reporters to utilize computers to prepare transcripts instead of the outdated methods of dictating and typing court proceedings.

In addition to Carl Riley and Arthur Bye, Victor R. Maes, Dennis E. Quinn, Clifford M. Ramstad, Burton D. Boudreau, Donald Petersen, Mary Anne Cassel, David G. Launspach, Carroll B. Copeland, Catherine J. Clark, and Dan Shaw, Kerry Masten, Carol Johnson, Patrice Murray, Kay C. Carr, Delayne Johnson, and Shelly Semmler have served as the court's reporters.<sup>355</sup>

---

<sup>354</sup>*Id.* For a brief discussion of the history of shorthand reporting see R. Wurster, *Court Reporters Manual 2* (1973).

<sup>355</sup>Interview with William Kanak, Clerk of Court, in Cedar Rapids, Iowa (Jan. 15, 1987); *see* Appendix A.

## **COURTROOM TECHNOLOGY ADVANCEMENTS**

The original construction of the United States Courthouse in Sioux City, Iowa, was completed in 1934. In the 1990's, the courthouse was extensively remodeled to provide the federal judiciary, the bar, and the public with 21st Century facilities in the context of a historical, Neoclassical courthouse.

Under the direction of the Honorable Mark W. Bennett, the remodeling started with a complete reconfiguration of the third-floor chambers, which were modified to include a new reception and work area, library, judicial offices, and senior judge's chambers. The project was designed with great deference to the original details of the courthouse, including replication of the wood, fixtures, and styles used in the original construction.

Next, in 1998, the third-floor historic courtroom was completely remodeled. The central objective of the project was to retain the original style of the courtroom while restructuring and modifying its components to meet 21st Century requirements. The old jury box and witness box, which did not conform to the design of the rest of the courtroom, were removed. The bench was raised, a new jury box and witness box were constructed and relocated, and the rail was relocated. Extensive wiring and conduit were placed throughout the courtroom to accommodate the most advanced existing technology, while retaining the unique, beautiful woodwork and breathtaking ceiling design.

Technological modifications included a retractable display screen, state-of-the art sound system, remote-controlled courtroom lighting (including motorized window shades), annotation monitors, a digital document camera, an electronic whiteboard, remote video conferencing, and "smart" attorney tables with hookups for laptop computers, all controlled from three separate control panels. The courtroom also has a specially designed audio/visual cart, which houses a video cassette player, a laser disk player, an audio cassette player, and a color video printer. Despite the updated technology, the original ambiance of the historic courtroom was retained, and the design continues to reflect the architectural style of the 1930's.

After these projects were completed, Chief Judge Bennett arranged

to have the third-floor courtroom rededicated as “The Donald E. O’Brien Courtroom,” in honor of the esteemed district court judge from Sioux City. The rededication was formalized at an impressive and well-attended ceremony held on May 8, 2000.

In 1997, after a full-time United States Magistrate Judge position was authorized for Sioux City, plans were begun to design and build magistrate judge’s chambers and a new courtroom on the first floor of the courthouse. In the Spring of 2000, the project was completed. The magistrate judge’s chambers and courtroom were designed to reflect and complement the third-floor courtroom and chambers.

Because the magistrate judge’s chambers were new, rather than a restructure of existing chambers, the architects were able produce an economical and efficient design that was organized for use by the magistrate judge, but which also could be used by a district court judge for the full range of courtroom functions, including full-scale criminal jury trials.

The first-floor chambers and courtroom were designed to be a modern, less ornate version of the third-floor district court chambers and courtroom. The magistrate judge’s chambers include a reception area with a dramatic entrance hallway to provide a “sense of arrival” into the chambers. The judge’s office reflects the walnut hues and designs of the third-floor chambers, and has similar lighting. The chambers also include a library, staff office, visiting judge’s offices, galley/work area, two attorney/witness rooms, and several storage and technology areas.

The first-floor courtroom has much of the same technology found in the third-floor courtroom. A convenient, sound-proof jury room and two prisoner holding cells are directly adjacent to the courtroom, which is designed so the judge, jury, and prisoners all can enter the courtroom through separate entrances, without going through public areas.

The judicial facilities in Cedar Rapids, Iowa, have not been remodeled because Congress has approved a new courthouse there. The project is to be completed in the next few years.

**FEDERAL PUBLIC DEFENDER'S OFFICE  
NORTHERN DISTRICT OF IOWA**

The office of the Iowa Federal Public Defender was established on December 27, 1993, pursuant to authority granted in 18 U.S.C. § 3006A. Paul Zoss served as the first Federal Public Defender for Iowa. Paul Papak became the Federal Public Defender in January, 1997, and Nick Drees succeeded him in June, 1999.

Initially, the Federal Defender's Office had staffed offices in Des Moines and Cedar Rapids only, but, in response to increased law enforcement resources and initiatives in Sioux City, a staffed branch office opened there on October 1, 1997. The Davenport branch office opened in November of 1998. Jane Kelly and JoAnne Lilledahl serve as assistant defenders in the Cedar Rapids Office. Priscilla Forsyth and Robert Wichser are the assistants in the Sioux City office.

## STRUCTURES THAT HAVE HOUSED THE COURT

*Sioux City*



*Cedar Rapids*





*Dubuque*



*Waterloo*

*Fort Dodge*



*Mason City*

## APPENDIX A

### Judges of the United States District Court for the Northern District of Iowa

#### Table of Succession

##### Northern District

Oliver Perry Shiras  
1882-1903  
(retired; died, 1916)

Henry Thomas Reed  
1904-1921  
(retired; died, 1924)

George Cromwell Scott  
1922-1943  
(retired; died, 1948)

Henry Norman Graven  
(Senior Judge to death, 1970)

Edward Joseph McManus  
1962- 1985  
(Chief Judge, 1962-1985)  
(now Senior Judge)

David Rasmussen Hansen  
1986-1991  
(elevated to Eighth Circuit  
Court of Appeals, 1991)  
(Eighth Circuit Court, Chief Judge,  
2002-2003; Senior Status, 2003-Present)

Michael J. Melloy  
1992-2002  
(Chief Judge, 1992-1999)  
(continued to serve as a District  
Judge until elevated to the Eighth  
Circuit Court of Appeals 2002)

Mark W. Bennett  
1994-Present  
(Chief Judge, 2000 -present )

Linda R. Reade  
2002-Present

##### Northern and Southern Districts\*

William Cook Hanson  
1962-1977  
(Senior Judge to death, 1995)

Donald E. O'Brien  
1978-1992  
(Chief Judge 1985-1992)  
(now Senior Judge)

\*Judge William Cook Hanson was designated by Congress to be a "roving" judge serving **both** districts. Judge O'Brien had the same "roving" assignment. This Southern District responsibility was eliminated when the Southern District received an additional judge in 1991.

### United States District Judges

	<b>Residence</b>	<b>Party</b>	<b>Date of Commencement of Service of Appointment</b>
Oliver P. Shiras	Dubuque	Republican	August 21, 1882
Henry T. Reed	Cresco	Republican	March 7, 1904
George C. Scott	Sioux City	Republican	March 4, 1922
Henry N. Graven	Greene	Republican	March 30, 1944
Edward J. McManus	Cedar Rapids	Democrat	July 16, 1962
William C. Hanson	Jefferson	Republican	July 23, 1962
Donald E. O'Brien	Sioux City	Democrat	November 2, 1978
David R. Hansen	Mount Vernon	Republican	March 4, 1986
Michael J. Melloy	Dubuque	Republican	August 18, 1992
Mark W. Bennett	Des Moines	Democrat	August 26, 1994
Linda Reade	Des Moines	Republican	November 26, 2002

### Bankruptcy Referee And Judges

	<b>Office</b>	<b>Service</b>
John H. Mitchell	Fort Dodge	1944 - 1965
William W. Thinnes	Cedar Rapids	1965 - 1985
Michael J. Melloy	Cedar Rapids	1986 - 1992
William L. Edmonds	Sioux City	1987 - Present
Paul J. Kilburg	Cedar Rapids	1993 - Present

### United States Magistrate Judges

	<b>Office</b>	<b>Date Of Appointment</b>
Fred G. Clark, Jr.	Waterloo	Jan. 1, 1971 (part-time)
James Denton Hodges, Jr.	Cedar Rapids	Jan. 1, 1971 - Jan. 1, 1980 (Magistrate Judge/Chief Deputy Clerk)
		Jan. 1, 1980-Sept. 22, 1980 (Magistrate Judge/Clerk)
		Sept. 22, 1980-Oct. 4, 1987 (Full-time Magistrate Judge)
Peter William Klauer	Dubuque	Jan. 1, 1971 (part-time)
Patrick C. McCormick	Sioux City	Jan. 1, 1971 (part-time)
Francis E. Tierney	Fort Dodge	Jan. 1, 1971 (part-time)
David Blair	Sioux City	Jan. 1, 1973 (part-time)
William J. Thatcher	Fort Dodge	Jan. 1, 1974 (part-time)
Paul Wayne Deck, Jr.	Sioux City	Nov. 1, 1976 - 1996 (part-time)
John A. Jarvey	Cedar Rapids	Oct. 5, 1987 (full-time)
Paul A. Zoss	Sioux City	Jan. 27, 1997 (full-time)

### Clerks Of The District Court

	Office	Service
Alonzo Van Duzee	Dubuque	1882 - 1912
Lee McNeely	Dubuque	1912 - 1957
Carl V. Riley	Dubuque	1957 - 1962
John J. O'Connor	Cedar Rapids	1962 - 1970
Kenneth W. Fuelling	Cedar Rapids	1970 - 1979
James Denton Hodges, Jr.	Cedar Rapids	1980 - 1980
William James Kanak	Cedar Rapids	1980 - 1995
James Denton Hodges, Jr.	Cedar Rapids	1996 - Present

### Chief Deputy Clerks Of The District Court

	Office	Service
Marcella E. Moritz	Dubuque	1935 - 1962 (Deputy Clerk, 1930 - 1935)
Kenneth W. Fuelling	Cedar Rapids	1962 - 1970 (Deputy Clerk, 1962)
James D. Hodges, Jr.	Cedar Rapids	1970 - 1979
Cheryll S. Scott	Cedar Rapids	1980 - 2001 (Deputy Clerk, 1974 - 1980)
Roger J. Brockmeyer	Cedar Rapids	2001 - Present

### Deputies In Charge Of The Sioux City Office

	Office	Service
John J. O'Connor	Sioux City	1970 - 1976
Dorothy Henry	Sioux City	1976 - 1985
Martha Deel (Hoch)	Sioux City	1985 - 1997
Julie Hoch	Sioux City	1997 - Present

### Deputy Clerks That Have Served The District Court At Least Ten Years

	Office	Service*
Esther A. Anderson	Sioux City	1927 - 1956
Adelaide C. Avery	Cedar Rapids	
Mr. Bolton	Sioux City	
Gerda Hanselmann Chappell	Dubuque	
Helen Cornell	Dubuque	1935 - 1963
Jeannette K. Coughlin	Dubuque	1941 - 1973
Bessie G. Engle	Cedar Rapids	

\*Periods of service are known only for those persons whose personnel records could be found. The names of the remaining individuals who served as deputy clerks were provided by Marcella E. Moritz.

Dorothy Henry	Sioux City	1963 - 1985
Viola Martin	Fort Dodge	
Mary L. Norman	Dubuque	
Lorraine O'Heron	Sioux City	1955 - 1970
Helen Johnson Palmquist	Sioux City	
Alice C. Quintal	Sioux City	
Herman C. Richmann	Cedar Rapids	1945 - 1965
Jane Sullivan	Fort Dodge	1945 - 1974
Jane Valentine	Sioux City	
Margaret Wilson	Dubuque	
Mary Lou Brunkhorst	Cedar Rapids	1965 - Present
Patsy Christianson	Cedar Rapids	1978 - 2003
Janna Dimmer	Cedar Rapids	1982 - 2002
Gary L. Bohlke	Sioux City	1984 - 2002
Mary Jehle	Cedar Rapids	1988 - Present
Thomas Gustafson	Cedar Rapids	1991 - 2002
Cheryll Scott	Cedar Rapids	1974 - 2001
Diane Eveland	Cedar Rapids	1980 - 1986
	Cedar Rapids	1996 - Present
Julie Hoch	Sioux City	1984 - Present

#### **Courtroom Deputies Of The District Court**

	<b>Office</b>	<b>Service</b>
Marcella E. Moritz	Fort Dodge	1962 - 1966
Ronald R. Wright	Fort Dodge	1966 - 1977
Elizabeth C. Henriksen	Cedar Rapids	1978 - 1979
Charles Michael Kernats	Cedar Rapids	1979 - 1981
Theodore E. Karpuk	Cedar Rapids	1981 - 1983
Gregory P. Lippolis	Cedar Rapids	1983 - 1984
John A. Nash	Cedar Rapids	1984 - 1987
Daniel C. Tvedt	Cedar Rapids	1987 - 1989
Patrice J. Eichman	Cedar Rapids	1989 - 1991
William Courter	Cedar Rapids	1991 - 1992
Kathryn Stumpf	Cedar Rapids	1992 - 1993
Rita Wall	Cedar Rapids	1993 - 2002
Michael Lahammer	Cedar Rapids	1993 - 2002
Julie Lierly	Sioux City	1995 - 1996
Jennifer Rindon Clark	Sioux City	1997 - 1999
Colleen Mallon	Sioux City	1999 - 2001
Lisa Kirkpatrick	Sioux City	2001 - Present
Mackenzie Flynn	Cedar Rapids	2002 - Present

**Former Deputy Clerks, Northern District Of Iowa (01/01/03)**

<b>Name</b>	<b>Title</b>	<b>Begin/End Dates</b>	<b>Begin/End Dates</b>
Teresa Ardrey	Temporary Deputy	10-27-97	04-16-99
Julie Arndt	Deputy	06-16-86	06-28-89
Jane K. Baughman	Temp. Clerical Asst.	05/23/77	08-26-77
Rita K. Bigelow	Deputy	02-01-73	06-02-78
Gary L. Bohlke	Deputy	04-09-84	01-27-02
Patsy Christianson	Deputy	05-22-78	02-09-03
Jennifer R. Clark	Legal Specialist	05-19-97	07-19-99
John W. Collins	Deputy	10-03-66	06-30-72
Janna L. Dimmer	Deputy	03-08-82	12-31-02
Susan Duenow	Deputy	08-26-81	07-07-96
Patrice J. Eichman	Courtroom Deputy	07-03-89	06-28-91
Charlene B. Fenton	Deputy	12-02-68	07-28-78
Thomas A. Gustafson	Asst. Systems Manager	09-30-91	03-10-02
Janet J. Hawkins	Deputy	03-03-69	09-07-79
Elizabeth C. Hendriksen	Courtroom Deputy	07-31-78	05-25-79
Joyce A. Jacobsen	Deputy	10-08-79	03-05-82
Sandra Jansen	Deputy	09-11-68	11-19-68
Theodore E. Karpuk	Courtroom Deputy	07-29-81	07-03-83
Jorene Keller	Deputy	03-10-80	03-24-80
Michael Lahammer	Courtroom Deputy	07-19-93	04-19-02
Julie A. Lierly	Courtroom Deputy	07-03-95	02-06-97
Gregory P. Lippolis	Courtroom Deputy	07-04-83	12-15-84
Mary Jo McSweeney	Deputy	02-04-63	09-09-66
Donna R. Miller	Legal Specialist	07-08-96	07-15-96
William F. Moffatt	Deputy	04-01-74	01-14-84
Marcella E. Mortiz	Deputy	03-25-30	12-24-35
	Chief Deputy	12-15-35	11-12-62
	Deputy	11-13-62	06-30-66
John A. Nash	Courtroom Deputy	12-17-84	06-21-87
	(Now active Law Clerk to Edward J. McManus)		
Charles Allen Nichols	Systems Manager	04-29-91	07-07-98
Joyce L. Paynter	Deputy	06-08-70	01-04-74
Mary Ann Pisarik	Deputy	07-07-75	08-20-84
Lisa J. Marshik Prostrollo	Legal Specialist	09-22-99	03-17-00
Carl V. Riley	Deputy	08-31-62	
Debra S. Ratay	Deputy	06-12-95	11-18-01
Janet S. Roemig	Deputy	01-23-84	04-30-95
John T. Ryan	Legal Specialist	03-16-98	05-05-98
Kenneth C. Schatz	Deputy	03-23-64	08-30-68
Cheryll S. Scott	Deputy	01-14-74	02-10-80
Norma Jean Nanny Silvasi			
	Deputy	08-17-64	12-20-68
	Deputy/U.S. Commissioner	09-05-67	12-20-68
	Secretary Judge McManus	11-01-76	10-30-81
Kate Stumpf	Courtroom Deputy	12-02-91	07-28-92

Leola M. Stiffin	Temporary Deputy	06-18-85	11-08-85
Linda K. Tapper	Pro Se Law Clerk	01-28-02	06-30-02
Daniel C. Tvedt	Courtroom Deputy	06-22-87	06-30-89
Ann Christine Voigt	Deputy	09-24-73	07-04-75
Rita C. Wall	Courtroom Deputy	08-19-92	05-30-93
	Pro Se Law Clerk	05-13-93	07-28-02
Elizabeth Ann Webber	Temporary Deputy	02-03-69	02-28-69
Marilyn Wilkes-Shaffer	Deputy	08-28-78	04-19-81
	Secretary to Magistrate Judge		
	James D. Hodges, Jr.	04-20-81	07-22-84
Ronald R. Wright	Courtroom Deputy	07-01-66	10-22-77
Kay A. Yazvac	Deputy	12-3-62	01-31-73

### Active Deputy Clerks, Northern District Of Iowa

Name	Title		Service
Brad E. Carson	Unix Systems Admin.	04-08-02	Present
Virginia C. Clark	Deputy	12-14-00	Present
Paul P. DeYoung	Pro Se Law Clerk	09-02-02	Present
Dianne G. Eveland	Deputy	04-06-80	06-08-86
		07-15-96	Present
Rick J. Hunt	Asst. Automation		
	Specialist	02-12-01	Present
Andrea Kjos	Deputy	09-30-96	Present
Melanie Liebsack	Pro Se Law Clerk	08-12-02	Present
Carla K. Loverink	Financial Technician	04-08-02	Present
Maura McNally	Docketing Supervisor	02-03-03	Present
Pamela K. Maynard	Deputy	02-26-01	Present
Denise L. Pickens	Deputy	01-01-01	Present
Marcia M. Prochnow	Deputy	05-30-94	Present
Timi M. Ruff	Financial Asst.	07-22-96	Present
Kim F. Schwartz	Deputy	08-18-97	Present
Denise E. Scott	Deputy	03-11-02	Present
Renea Salter Solmonson	Project Manager	09-23-02	Present
Bryan D. Woodward	Systems Mgr.	10-05-98	Present
Karen S. Yorgensen	Deputy	01-20-03	Present
Susan Young	Automation Specialist	08-22-94	Present

### Clerks Of The Bankruptcy Court

	Office	Service
Barbara A. Everly	Cedar Rapids	1965 - 1979 (Chief Clerk under the Bankruptcy Act) 1979 - 1996 (Became Clerk of the Bankruptcy Court under the Bankruptcy Code)
George D. Prentice, II	Cedar Rapids	1996 - 2000

Jean L. Hekel (Acting Clerk)	Cedar Rapids	2000 - 2000
Sean F. McAvoy	Cedar Rapids	2000 - Present

**Deputy Bankruptcy Clerks That Have Served  
The District Court For At Least Ten Years**

	<b>Office</b>	<b>Service</b>
Mary Lou Brunkhorst	Cedar Rapids	1965 - 1990
Sandra Rockwell	Cedar Rapids	1967 - 1978
Theresa Kula	Cedar Rapids	1968 - 2003
Louise Wortman	Cedar Rapids	1972 - 1987
(served as secretary to Bankruptcy Judge Michael J. Melloy from 1986 to 1987)		
Verlene Cannon	Cedar Rapids	1977 - 1994
Jaqueline Morris	Sioux City	1978 - 2000
Miriam Golay	Cedar Rapids	1979 - 1999
Letha Hamill	Cedar Rapids	1979 - 1999
Patricia Swiger	Cedar Rapids	1980 - 1994
Rhonda Hansen	Cedar Rapids	1980 - Present
Jean Hekel	Cedar Rapids	1985 - Present
Karen Hanover	Cedar Rapids	1985 - Present
Loren Mulherin	Cedar Rapids	1985 - Present
Debra Ratay	Cedar Rapids	1985 - 1995
Marie Richards	Cedar Rapids	1965 - 2001
Ruth Nelson	Sioux City	1985 - Present
Julie Hubbell	Cedar Rapids	1986 - Present
Kent Boese	Cedar Rapids	1986 - Present

**Active Bankruptcy Deputy Clerks, Northern District Of Iowa**

<b>Name</b>	<b>Title</b>	<b>Service</b>
Nicole Becker	Case Administrator	02-12-01
Kent Boese	Electronic Court Recording Operator	09-01-86
Callie Crull	Data Quality Manager	01-19-98
Ruth Dean	Case Administrator	12-04-85
Som Many Greigg	Courtroom Deputy	05-01-00
Tina Hall	Deputy In Charge	04-10-00
Karen Hanover	PC Support Specialist	04-08-85
Rhonda Hansen	Case Administrator	10-02-80
Paula Headley	Financial Administrator	01-02-01
Jean Hekel	Operations Manager	04-08-85
Rebecca Hoefer	Case Administrator/ Training Specialist	02-26-01
Julie Hubbell	Courtroom Deputy	10-27-86
Kirk Leggott	IT Director	08-23-99
Tim Mielke	Automation Specialist	06-17-02
Loren Mulherin	Case Administrator	04-15-85

Holli Simoens	Financial/Personnel Asst.	03-10-03
Nancy South	Case Administrator	06-20-94
Theresa Stapelman	Case Administrator	01-29-01
Jana Trudeau	Case Administrator	12-17-01

### United States Attorneys

	Office	Commenced Service
Maurice D. O'Connell	Fort Dodge	Jan. 1883
Timothy P. Murphy	Sioux City	March 1886
Maurice D. O'Connell	Fort Dodge	Jan. 1890
Cato Sells	Cedar Rapids	Jan. 1894
Horace G. McMillan	Cedar Rapids	Feb. 1898
Frederick F. Faville	Fort Dodge	Dec. 1907
Anthony Van Wageman	Sioux City	May 1913
Frank A. O'Connor	Dubuque	Jan. 1914
Guy P. Linville	Cedar Rapids	Nov. 1921
Bennett E. Rhinehart	Cedar Rapids	March 1927
Harry M. Reed	Waterloo	March 1931
Edward G. Dunn	Mason City	Sept. 1934
Tobias E. Diamond	Sioux City	Nov. 1940
Michael L. Mason	Sioux City	Nov. 1952
F. G. Van Alstine	Sioux City	June 1953
Donald E. O'Brien	Sioux City	Aug. 1961
Steve Turner		
(60 days interim USA)	Sioux City	Aug. 1967
Asher E. Schroeder	Sioux City	Nov. 1967
Evan L. Hultman	Cedar Rapids	Aug. 1969
James H. Reynolds	Cedar Rapids	Nov. 1977
Evan L. Hultman	Cedar Rapids	May 1982
Robert L. Teig (interim)	Cedar Rapids	July 1986
Charles W. Larson, Sr.	Cedar Rapids	Oct. 1986
Robert L. Teig	Cedar Rapids	Apr. 1993-Nov. 1993
Stephen J. Rapp	Cedar Rapids	Nov. 1993
Judith A. Whetstine (interim)	Cedar Rapids	May 19,2001
Charles W. Larson, Sr.	Cedar Rapids	Sept. 16, 2001

### Active Employees of the United States Attorney's Office

	Office	Position
Judith A. Whetstine	Cedar Rapids	First Assistant
Richard L. Murphy	Cedar Rapids	Criminal Chief
Lawrence D. Kudej	Cedar Rapids	Civil Chief
Robert L. Teig	Cedar Rapids	Senior Litigation Counsel
Robert M. Butler	Cedar Rapids	Assistant U.S. Attorney
C. J. Williams	Cedar Rapids	Assistant U.S. Attorney

Daniel C. Tvedt	Cedar Rapids	Assistant U.S. Attorney
Ian Thornhill	Cedar Rapids	Assistant U.S. Attorney
Kandice A. Wilcox	Cedar Rapids	Assistant U.S. Attorney
Martin J. McLaughlin	Cedar Rapids	Assistant U.S. Attorney
Matthew J. Cole	Cedar Rapids	Assistant U.S. Attorney
Patrick J. Reinert	Cedar Rapids	Assistant U.S. Attorney
Peter E. Deegan	Cedar Rapids	Assistant U.S. Attorney
Sean Berry	Cedar Rapids	Assistant U.S. Attorney
Stephanie Rose	Cedar Rapids	Assistant U.S. Attorney
Stephanie V. Wright	Cedar Rapids	Assistant U.S. Attorney
Janet L. Petersen	Sioux City	Branch Chief
Jamie Bowers	Sioux City	Assistant U.S. Attorney
Kevin C. Fletcher	Sioux City	Assistant U.S. Attorney
Martha Fagg	Sioux City	Assistant U.S. Attorney
Michael M. Hobart	Sioux City	Assistant U.S. Attorney
Shawn Wehde	Sioux City	Special Assistant U.S. Attorney
Jack Lammers	Sioux City	Special Assistant U.S. Attorney
Teresa Baumann	Cedar Rapids	Special Assistant U.S. Attorney
Shari Konarske	Cedar Rapids	Victim Witness Coordinator
Steve Badger	Cedar Rapids	LECC Coordinator
Kim Kudej	Cedar Rapids	Paralegal
Michelle Schwabach	Sioux City	Administrative Services Specialist
Cindy Lee	Cedar Rapids	Administrative Officer
Jane Hanzelka	Cedar Rapids	Budget Officer
Lee Cline	Cedar Rapids	Litigation Support Specialist
Pat Jackson	Cedar Rapids	Clerk
Peggy Gray	Cedar Rapids	Administrative Technician
Rosie Rummell	Cedar Rapids	Receptionist
Scott McNamar	Cedar Rapids	Human Resources Specialist
Sharon Reid	Cedar Rapids	Information Technician Specialist
Tom Cox	Cedar Rapids	Auditor
Deb Clark	Cedar Rapids	Paralegal
Jean Gregory	Cedar Rapids	Paralegal
Becky Williams	Cedar Rapids	Librarian/Juror Contact
Maureen Oviatt	Cedar Rapids	Paralegal
Patricia Calhoun	Sioux City	Paralegal
Carol McEntaffer	Sioux City	Paralegal
Michelle Hatting	Sioux City	Legal Assistant
Todd Voter	Cedar Rapids	Intelligence Research Specialist
Tina Roberts	Sioux City	Legal Assistant

Brenda Nietert	Sioux City	Legal Assistant
Christy White	Cedar Rapids	Legal Assistant
Deb Nash	Cedar Rapids	Legal Assistant
Heather Schmatt	Cedar Rapids	Legal Assistant
Laurie Karch	Cedar Rapids	Legal Assistant
Linda Stork	Cedar Rapids	Secretary
Misty Kloubec	Cedar Rapids	Litigation Support Specialist
Sali VanWeelden	Cedar Rapids	Legal Assistant
Sue Patton	Cedar Rapids	Legal Assistant

### Federal Public Defenders

	Office	Service
Paul A. Zoss	Des Moines	1993 - 1997
Paul Papak	Des Moines	1997 - 1998
Nicholas T. Drees	Des Moines	1999 - Present

### Assistant Federal Public Defenders

	Office	Service
Paul Papak	Cedar Rapids	1994 - 1998
Jane Kelly	Cedar Rapids	1994 - Present
Kevin Techau	Sioux City (while office unstaffed)	1996 - 1997
Jana Miner	Sioux City	1997 - 1999
Phil MacTaggart	Cedar Rapids	1999 - 2001
Jeffrey A. Neary	Sioux City	2000 - 2003
JoAnne Lilledahl	Cedar Rapids	1997 - Present
Priscilla Forsyth	Sioux City	2001 - Present
Robert Wichser	Sioux City	2003 - Present

### Federal Public Defender Support Staff

	Office	Service
Diane Leibold	Cedar Rapids	1994 - 2002
David Carrant	Cedar Rapids	1995 - 1999
Nancy Roth	Cedar Rapids	1996 - 1997
Dana Wallance	Cedar Rapids	1997 - 1999
Kendolynn Cedeno	Cedar Rapids	1999 - 2001
Jim House	Cedar Rapids	1999 - 2002
Gale Gomez	Cedar Rapids	2001 - 2002
	Sioux City	2002 - Present
Deadra Anderson	Cedar Rapids	2002 - Present
John Bruzek	Cedar Rapids	2002 - Present
Angie McClain	Cedar Rapids	2003 - Present

Sue Olson	Sioux City	1999 - Present
Tom Hofbauer	Sioux City	2002 - Present
Geralynn Fjeldheim	Sioux City	2002 - Present

### Marshals

	Office	Commenced Service
George C. Heberling (temporary commission)	Dubuque	Sept. 25, 1882
George D. Perkins	Sioux City	Jan. 29, 1883
William M. Desmond	Dubuque	July 17, 1885
Edward Knott	Waterloo	Sept. 23, 1889
William M. Desmond	Dubuque	Feb. 19, 1894
Edward Knott	Waterloo	Feb. 15, 1898
Eugene R. Moore	Cedar Rapids	June 19, 1914
Fred Davis	Sioux City	July 7, 1921
Charles Kloster	Sioux City	Dec. 14, 1925
Don A. Preussner	Dubuque	Jan. 16, 1930
John B. Keefe	Sioux City	March 9, 1934
Frederick E. Biermann	Waterloo	Sept. 28, 1940
Clement W. Crahan	Dubuque	May 21, 1953
Covell H. Meek	Dubuque	April 14, 1961
Melvin A. Hove	Dubuque	July 14, 1969
	Cedar Rapids	
Jack A. Roe	Cedar Rapids	Dec. 5, 1977
James P. Jonker	Cedar Rapids	Dec. 10, 1981
Dennis H. Blome	Cedar Rapids	Sept. 26, 1994
John E. Quinn	Cedar Rapids	May 20, 2002
(Died in Office, 06-18-02)		
Roger W. Arechiga (Acting)	Cedar Rapids	December 11, 2002

### Deputy United States Marshals Service Northern District Of Iowa

	Office	Position
Robert Daley	Sioux City	Deputy
Albert Halbach	Fort Dodge	Deputy
Corvell H. Meek	Dubuque	Chief Deputy & Marshal
Robert Courtright	Dubuque	Chief Deputy
Walter E. Broughton	Dubuque	Deputy & Chief
	Cedar Rapids	Deputy & Chief
Dick McKinney	Cedar Rapids	Deputy
Jack E. Mills	Fort Dodge	Deputy
	Cedar Rapids	Chief
Jack Roe	Sioux City	Deputy

	Cedar Rapids	Marshal
Charles Haynes	Cedar Rapids	Deputy
Robert Hamann	Cedar Rapids	Deputy
Larry Valley	Cedar Rapids	Chief Deputy
Fred G. Meyer	Cedar Rapids	Chief Deputy
Russell Sinni	Cedar Rapids	Deputy
Lloyd Trout	Cedar Rapids	
	Sioux City	Deputy
Robin Arnold	Sioux City	Deputy
Jerry Parkinson	Sioux City	Deputy
Timothy Buns	Sioux City	Deputy
Gary Overby	Sioux City	Deputy
Barry Higginbotham	Cedar Rapids	Deputy
Thomas Russell	Sioux City	Deputy
Steven Johnson	Sioux City	Deputy
Dwight Thompson	Sioux City	Deputy
David Lindemann	Cedar Rapids	Deputy
Tobin Michael	Cedar Rapids	Deputy
Steven Castelletti	Cedar Rapids	Deputy
Duane Walhof	Cedar Rapids	
	Sioux City	Deputy
Kirk Papenthien	Cedar Rapids	Deputy
	Sioux City	Supervising Deputy
William Kiesau	Cedar Rapids	Deputy
Timothy Fredrickson	Sioux City	Deputy
Donna Faff	Cedar Rapids	Deputy
Charles McCormick	Sioux City	Deputy
Jay Tuck	Sioux City	Deputy
Michael Fuller	Sioux City	Deputy
Mark Carney	Cedar Rapids	Deputy
Roger W. Arechiga	Cedar Rapids	Chief Deputy
Rodney Ostermiller	Sioux City	Supervising Deputy
Roger Barsotti	Cedar Rapids	Deputy
Rodney Clauss	Cedar Rapids	Deputy
Richard Lymburner	Cedar Rapids	Chief Deputy
Jeffrey Lour	Cedar Rapids	Deputy

Any United States Marshal who served only in the capacity of Marshal is not listed above as they are listed under the "Marshals" section.

#### Chief Probation Officers

	Office	Service
Edward L. Anderson	Sioux City	1946 - 1975;(1946 - 1947)
	Waterloo	(1947 - 1963)
	Cedar Rapids	(1963 - 1975)
Michael E. Ebinger	Cedar Rapids	1975 - Present

### Probation Officers

	Office	Service
Michael L. Healy	Cedar Rapids	1933 - 1935
Charles F. Holly	Sioux City	1935 - 1946
Dale H. Martin	Waterloo	1957 - 1980
		(1959 - 1963)
	Sioux City	(1963 - 1980)
Ronald G. Telecky	Cedar Rapids	1975 - 2000
Steven Peterson	Sioux City	1978 - 1984
Gregory Ellerbroek	Sioux City	1983 - Present
Patricia A. Cargin	Sioux City	1985 - Present
		(1985 - 1987)
	Cedar Rapids	(1987 - Present)
Jerry Skadburg	Sioux City	1987 - Present
Sandra Dodge	Sioux City	1988 - Present
Todd Huss	Cedar Rapids	1989 - Present
Debra Buckner	Waterloo	1990 - Present
Richard Jedlicka	Cedar Rapids	1990 - 1996
Ann Vestle	Cedar Rapids	1991 - Present
Jay Jackson	Sioux City	1992 - Present
Mark Siebenga	Cedar Rapids	1993 - 1994
John Zielke	Cedar Rapids	1994 - Present
Richard Niles	Sioux City	1994 - Present
Robert Askelson	Cedar Rapids	1995 - Present
Michael Mims	Cedar Rapids	1997 - Present
Stacy Koolstra	Sioux City	1998 - Present
Brian Draves	Cedar Rapids	1999 - Present
Matt Sturdevant	Sioux City	2000 - Present
Lisa M. Feuerbach	Cedar Rapids	2001 - Present
Annalee M. Thompson	Sioux City	2001 - Present
Ronica Dunn	Sioux City	2002 - Present
Matthew Warren	Cedar Rapids	2002 - Present
Chad Zach	Sioux City	2002 - Present
Michael A. Brogla	Cedar Rapids	2002 - Present
Pamela J. Cobb	Cedar Rapids	2003 - Present

### Probation Office Support Staff

	Office	Service
Dottie Sampson	Cedar Rapids	1972 - Present
Virginia Keck	Sioux City	1973 - 1993
Loretta Guthrie	Sioux City	1985 - Present
Marjorie Lokenvitz	Cedar Rapids	1987 - 1987
Julie Berchenbriter	Cedar Rapids	1987 - Present
Angie Nickels	Cedar Rapids	1987 - 1997
Michele Kelly	Cedar Rapids	1991 - 1998

Juna Sexton	Cedar Rapids	1993 - 1994
Kim Grandgenett	Sioux City	1993 - 1997
Jodi Hahn	Cedar Rapids	1994 - 1998
Amy Berns	Cedar Rapids	1996 - Present
Beverly McNamara	Sioux City	1997 - Present
Lisa Alexander	Cedar Rapids	1997 - Present
Mary Cannon	Cedar Rapids	1997 - Present
Sharman Murley	Cedar Rapids	2001 - Present
Mic Lanning	Cedar Rapids	2002 - Present
Kathy Newland	Sioux City	2001 - Present

From 1933 to 2000, the probation office has been located in the following cities:

1933-1935	Cedar Rapids
1935-1947	Sioux City
1947-1963	Waterloo
1963-2000	Cedar Rapids
1964-2000	Sioux City Branch Office

### Court Reporters

	<b>Reported for:</b>	<b>Office</b>	<b>Service</b>
Carl V. Riley	Judge Graven	Dubuque	1946 - 1955
Arthur L. Bye	Judge Graven	Cedar Rapids	1955 - 1957
Victor R. Maes	Judge Graven		1958 - 1959
Dennis E. Quinn	Judge Graven	Waterloo	
	Judge McManus	Waterloo	1959 - 1963
Clifford M. Ramstad	Judge Hanson	Des Moines	1962 - 1974
Burton D. Boudreau	Judge McManus	Cedar Rapids	1963 - 1984
Donald Petersen	Judge Hanson	Des Moines	1974 - Present
Mary Anne Cassel	Judge O'Brien	Sioux City	1978 - 1981
David G. Launspach	Judge O'Brien	Des Moines	1981 - 1982
Carroll B. Copeland	Judge O'Brien	Sioux City	1982 - 1983
Catherine J. Clark	Judge O'Brien	Sioux City	1982 - 1987
Dan Shaw	Judge McManus		
	Judge Hansen	Cedar Rapids	1984 - 1994
Kerry Masten	Judge O'Brien	Sioux Falls	1987 - 1995
Carol Johnson	Judge O'Brien	Sioux Falls	1987 - 1995
Patrice Murray	Judge McManus		
	Judge Hansen		
	Judge Melloy		
	Judge Reade	Cedar Rapids	1996 - Present
Delayne Johnson	Judge O'Brien	Sioux City	1996 - 1997
	Judge Bennett		
Shelly Semmler	Judge O'Brien		
	Judge Bennett	Sioux City	1997 - Present
Kay C. Carr	Judge Melloy	Cedar Rapids	2000 - 2002

## Secretaries

### **To Judge Edward J. McManus**

	<b>Office</b>	<b>Service</b>
Mary C. Ferris	Cedar Rapids	1963 - 1963
Rosane Sammons	Cedar Rapids	1963 - 1963
Mary E. Hughes	Cedar Rapids	1963 - 1966
Janice Marie Fuller	Cedar Rapids	1966 - 1970
Linda A. Toomer	Cedar Rapids	1970 - 1973
John W. Schrimper	Cedar Rapids	1973 - 1976
Norma Jean Silvasi	Cedar Rapids	1976 - 1981
Taletha M. Plagman	Cedar Rapids	1981 - 1988
Dawn R. Johnson	Cedar Rapids	1988 - 1989
Terri A. Churchill	Cedar Rapids	1989 - 1989
Deborah J. Frank	Cedar Rapids	1989 - Present

### **To Judge William C. Hanson**

	<b>Office</b>	<b>Service</b>
Dorothy Lewin (Deputy Clerk 1953-1962)	Fort Dodge	1962 - 1974
Clifford M. Ramstad	Des Moines	1974 - 1995

### **To Judge Donald E. O'Brien**

	<b>Office</b>	<b>Service</b>
Nelma L. DeBauche	Sioux City	1978 - 1999
Jami L. Gollhofer	Sioux City	2000 - Present

### **To Judge David R. Hansen**

	<b>Office</b>	<b>Service</b>
Janis K. McVeigh	Cedar Rapids	1986 - Present

### **To Judge Michael J. Melloy**

	<b>Office</b>	<b>Service</b>
Anita D. Wolrab	Cedar Rapids	1992 - Present

### **To Judge Mark W. Bennett**

	<b>Office</b>	<b>Service</b>
Maura F. Jannenga	Sioux City	1994 - 1999
Jennifer Gill	Sioux City	1999 - Present

### **To Judge Linda R. Reade**

	<b>Office</b>	<b>Service</b>
Diane L. Leibold	Cedar Rapids	2002 - Present

### **To Magistrate Judge James D. Hodges, Jr.**

	<b>Office</b>	<b>Service</b>
Betty Mae Ketelson	Cedar Rapids	1979 - 1981
Marilyn Wilkes-Shaffer	Cedar Rapids	1981 - 1984

Karolyn K. Stigler	Cedar Rapids	1984 - 1987
<b>To Magistrate Judge John A. Jarvey</b>	<b>Office</b>	<b>Service</b>
Karolyn K. Stigler	Cedar Rapids	1987 - Present
<b>To Magistrate Judge Paul A. Zoss</b>	<b>Office</b>	<b>Service</b>
Joanie Smith	Sioux City	1997 - 1999
Judith Grunewaldt	Sioux City	1999 - 1999
Tomme Fent	Sioux City	1999 - 2000
Maura F. McNally	Sioux City	2000 - 2002
Leslie Walker	Sioux City	2002 - Present
<b>To Bankruptcy Judge William Thinnes</b>	<b>Office</b>	<b>Service</b>
Louise Wortman	Cedar Rapids	1972 - 1987
<b>To Bankruptcy Judge Michael Melloy</b>	<b>Office</b>	<b>Service</b>
Louise Wortman	Cedar Rapids	1986 - 1987
Jane Bell	Cedar Rapids	1987 - 1989
Anita Wolrab	Cedar Rapids	1989 - 1992
<b>To Bankruptcy Judge William Edmonds</b>	<b>Office</b>	<b>Service</b>
Larris E. Slagle	Sioux City	1987 - Present
<b>To Bankruptcy Judge Paul J. Kilburg</b>	<b>Office</b>	<b>Service</b>
Gail M. Jones	Cedar Rapids	1993 - Present
<b>To Clerk of Court, James D. Hodges Jr.</b>	<b>Office</b>	<b>Service</b>
Debra S. Ratay	Cedar Rapids	2001 - Present

#### Law Clerks

<b>To Judge Henry N. Graven at Greene</b>	<b>Current Residence</b>	<b>Service</b>
William C. Fuerste	Dubuque	1947 - 1948
Harry G. Slife	Waterloo	1948 - 1949
Maurice E. Stark	Fort Dodge	1949 - 1950
Marvin C. Hayward	Cape Coral, FL	1950 - 1951
Eugene Davis	Des Moines	1951 - 1952
Kenneth L. Keith	Ottumwa	1952 - 1953
Pater Van Metre	Waterloo	1953 - 1954
John E. McTavish	Lake Forest, IL	1954 - 1955

LeRoy R. Voigts	Des Moines	1955 -
James F. Pickens	Cedar Rapids	1955 - 1956
Bruce M. Snell, Jr.	Ida Grove	1956 - 1957
Raymond A. Sloan, Jr.	Sigourney	1957 - 1958
Arthur Peterson		1958 - 1959
Larry I. Ashlock	Greeley, CO	1959 - 1960
James H. Carter	Cedar Rapids	1960 - 1962

**To Judge Edward J. McManus  
at Cedar Rapids**

John T. Nolan	Iowa City	1962 - 1963
Michael O. McDermott	Cedar Rapids	1963 - 1964
Dennis Valentine	Centerville	1964 - 1965
David N. Cox	Minneapolis, MN	1965 - 1966
Richard A. Shors		1966 - 1967
Fred R. Jacobberger	St. Paul, MN	1966 - 1968
Thomas L. Barton	Dubuque	1967 - 1969
William C. Wildberger II	Denver, CO	1968 - 1970
James D. Hodges, Jr.	Cedar Rapids	1969 - 1970
Jean Evashevski	Corvallis, OR	1970 - 1970
John H. Ehrhart	Cedar Rapids	1970 - 1972
David G. Schmidt		1971 - 1971
James K. Freeland	Chicago, IL	1970 - 1971
James F. Holderman	Chicago, IL	1971 - 1972
David A. Scott	Spencer	1972 - 1972
Michael J. Lehan	Omaha, NE	1972 - 1973
John C. Monroe	Cedar Rapids	1972 - 1974
Thomas J. Hearity	Washington, D.C.	1973 - 1975
Dennis L. Fisher	Milwaukee, WI	1974 - 1976
James M. Dower	Chicago, IL	1975 - 1977
Timothy J. Whitters	Seattle, WA	1976 - 1978
Richard H. Zimmerman	Iowa City	1977 - 1979
J. Rene Frechette	(Deceased)	1978 - 1980
Daniel J. McDermott	Washington, D.C.	1979 - 1981
Robert J. King, Jr.	Minneapolis, MN	1980 - 1982
Charles M. Kernats	Madison, WI	1980 - 1982
Paul C. Lillios	Cedar Rapids	1982 - 1983
Richard L. Murphy	Cedar Rapids	1982 - 1984
Matthew J. Brandes	Cedar Rapids	1983 - 1985
Nancy M. (Sheehan) Moriarty	Portland OR	1984 - 1987
Diana J. Vance-Bryan	Minnetonka MN	1985 - 1987
Barbara E. Mauer	Midland MI	1987 - 1988
John Nash	Iowa City	1987 - Present

**To Judge William C. Hanson  
at Fort Dodge and Des Moines**

Terry W. Guinan	Fort Dodge	1962 - 1966
-----------------	------------	-------------

Jerry C. Estes	Fort Dodge	1966 - 1968
Earl L. Devine	Des Moines	1967 - 1969
David J. Blair	Sioux City	1968 - 1970
Richard G. Santi	Des Moines	1969 - 1971
William G. Hoerger	Sacramento CA	1970 - 1971
Alan Kirshen	Omaha NE	1971 - 1972
Glenn L. Norris	Des Moines	1971 - 1973
John Martens	Estherville	1972 - 1974
Larry D. Dorocke	Indianapolis IN	1973 - 1975
Jack Fribley	Minneapolis MN	1974 - 1977
Donald J. Polden	Des Moines	1975 - 1976
Barry A. Russell	Des Moines	1976 - 1978
Ross A. Walters	Des Moines	1977 - 1979
Philip A. Ostien	Des Moines	1979 - 1981
Gary A. Van Cleve	St. Paul MN	1980 - 1983
Daniel W. Hart	Des Moines	1983 - 1985
William Scott Simmer	Des Moines	1985 - 1987
Michael Keller		1987 - 1990
Renae Angerboth		1990 - 1991

**To Judge Donald E. O'Brien  
at Sioux City**

Robert L. Teig	Cedar Rapids	1979 - 1979 (Jan. to June)
Larry N. Harris	Littleton CO	1979 - 1980
R. Todd Gaffney	Des Moines	1979 - 1981
Charles F. Becker	Des Moines	1980 - 1982
John A. Jarvey	Cedar Rapids	1981 - 1983
Randall E. Nielsen	Owatonna MN	1982 - 1984
Michael T. Maurer	Royal, Iowa	1983 - 1985
Willard L. Boyd III	Iowa City	1984 - 1986
Mary C. Luxa	Des Moines	1985 - 1988
John M. Baker	Eden Prairie MN	1986 - 1988
Mark A. Roeder	Manchester IA	1984 - 1987
Martha M. McMinn	Sioux City	1987 - 1989
Gene M. Cullan	Phoenix AZ	1988 - 1989
C.J. Williams	Cedar Rapids	1988 - 1990
Douglas J. Nill	Deephaven MN	1989 - 1990
Nicholas T. Drees	Ankeny IA	1989 - 1991
Mark L. Walk	Osage IA	1990 - 1992
Robert A. Finney	S. Sioux City NE	1990 - 1993
Michael P. Lennon, Jr.	Houston TX	1991 - 1993
Kathryn E. (Sheffield) Ford	Sioux Falls SD	1992 - 1994
Elizabeth C. Porter	Edina MN	1993 - 1995
Joseph Fernandez	Des Moines	1993 - 1996
Ronald E. Temple	Norfolk NE	1994 - 1996
Ian D. Hoffman	Cleveland Heights OH	1995 - 1997
Christopher B. Synsvoll	Colorado Springs CO	1996 - 1998

Laura D. Schmitt	Sioux City	1997 - 1999
Patrick T. Parry	Sioux City	1998 - 1999
Matthew J. Reilly	Cedar Rapids	1999 - 1999
Kimberly W. Bacon	Dakota Dunes SD	1999 - 2000
Melanie Liebsack	Sioux City	2000 - 2002
Greta Viotor	Tucson, AZ	2000 - 2002
Brian Flannery	Sioux City	2002 - Present
Tessie Buttram	Sioux City	2002 - Present

**To Judge David R. Hansen  
at Cedar Rapids**

Rustin Davenport	Mason City	1986 - 1988
Stephen T. Brennecke	China	1986 - 1989
Samuel A. Thumma	Phoenix AZ	1988 - 1990
Webb L. Wassmer	Cedar Rapids	1989 - 1992
Perrie H. Naides	Harrisburg PA	1990 - 1991
Kimberly Wood Bacon	Dakota Dunes SD	1991 - 1993
William H. Courter	Cedar Rapids	1991 - 1993
Jane L. Kelly	Cedar Rapids	1992 - 1993
Annette O. Williams	Newhall	1993 - Present
Thad J. Collins	Coralville	1993 - 1995
Matthew E. Johnson	St. Paul MN	1993 - 1994
Jeffrey A. Ziesman	Shawnee KS	1994 - 1996
Kristy L. Albrecht	Fargo ND	1995 - 1997
Edward H. White	Washington DC	1996 - 1997
Paul P. Morf	Cedar Rapids	1997 - 1998
Karl E. Robinson	St. Paul MN	1997 - 1998
John M. Bodenhausen	Ballwin MO	1998 - 1999
Gary G. Pelletier	New York NY	1999 - 2000
Matt M. Dummermuth	Cedar Rapids/ Washington DC	1999 - 2000
Patsy A. Thimmig	Cedar Rapids	1999 - 2001
Erik H. Askelsen	Shawnee KS	2000 - 2002
Jennifer C. Brooks	Gaithersburg MD	2000 - 2002
Dana L. Oxley		1998 - 1999
Christopher L. McDonald	Swisher	2001 - Present
Scott C. Amendola	Cedar Rapids	2001 - Present
Gretchen M. Wolf	Cedar Rapids	2002 - Present
	Iowa City	2002 - Present

**To Judge Michael J. Melloy  
at Cedar Rapids**

Thad J. Collins	Cedar Rapids	1992 - 1993
Edward J. Green	Chicago	1992 - 1994
Kelly L. Jackson	Leewood KS	1993 - 1995
Peter J. Reitan	California	1994 - 1996
Natalie J. Spears	Chicago	1995 - 1996

Donna R. Miller	Des Moines	1996 - 1997
Michael J. Hoffman	Denver	1996 - 1998
Emily Hughes	Iowa City	1997 - 1998
Robert Hogg	Cedar Rapids	1998 - 1999
Jake Ryan	Cedar Rapids	1998 - 2000
Lisa Stephenson	Cedar Rapids	1999 - 2000
Lara Sutherlin	Cedar Rapids	2000 - 2001
Kathleen Wolfe	Cedar Rapids	2000 - Present
Brian Fagan	Cedar Rapids	2001 - Present

**To Judge Mark W. Bennett  
at Sioux City**

Robert Johnson	Sioux City	1994 - Present
Roger Mastalir	Sioux City	1994 - Present
Julie Lierly	Atlanta GA	1995 - 1997
Jennifer Clark	Cedar Rapids	1997 - 1999
Colleen Mallon	Sioux City	1999 - 2001
Lisa Kirkpatrick	Sioux City	2001 - Present
Holly Schaffter Chari (Temporary Emergency Position)	Sioux City	2002 - Present
Melanie Liebsack	Sioux City	2002 - Present

**To Judge Linda R. Reade  
at Cedar Rapids**

Sara Van Houten	Iowa City	2002 - Present
Kathryn Jones	Cedar Rapids	2002 - Present
Mackenzie Flynn	Cedar Rapids	2002 - Present

**To Bankruptcy Judge William W. Thinnes  
at Cedar Rapids**

Joyce B. Kerber	Independence MO	1979 - 1981
Thomas S. Kiriakos	Chicago IL	1981 - 1982
Kristin I. Tolvstad Davis	Cedar Rapids	1982 - 1983
Christena Wagoner		1982 - 1983
Darlene Geiger		1983 - 1983
Clara Krumrei		1983 - 1983
Dan Childers	Cedar Rapids	1982 - 1984
Eric W. Lam	Cedar Rapids	1983 - 1984
Reta Noblett-Feld	Iowa City	1984 - 1985
Joseph A. Peiffer	Cedar Rapids	1984 - 1985
Reta Noblett-Feld		1984 - 1985
Ronald L. Schnack	Iowa City	1985 - 1986

**To Bankruptcy Judge Michael J. Melloy  
at Cedar Rapids**

Ronald L. Schnack	Amana	1985 - 1986
Thomas P. Reznicek	Wauwatosa WI	1985 - 1986
Michael R. Nelson	Columbus OH	1985 - 1987
Andra K. Heller	Chicago IL	1986 - 1987
Vicki Blackburn Harrison	Atlanta GA	1986 - 1987
September Wethington-Smith	Des Moines	1987 - 1988
Mark K. Suri	Chicago IL	1988 - 1989
John F. Schmillen	Cedar Rapids	1989 - 1990
Thad J. Collins	Minneapolis MN	1990 - 1992
Edward J. Green	Chicago IL	1992 - 1992

**To Bankruptcy Judge William L. Edmonds  
at Sioux City**

Kay Cee Hodson	Pierre SD	1987 - 1988
Jerry L. Jensen	Omaha NE	1988 - 1989
Joseph G. Basque	Omaha NE	1989 - 1990
John T. Kelly	St. Paul MN	1990 - 1991
James C. Wherry	Davenport	1991 - 1992
Jannette M. Domayer	Sioux City	1992 - Present

**To Bankruptcy Judge Paul J. Kilburg  
at Cedar Rapids**

Amy Kilpatrick	Cedar Rapids	1993 - Present
----------------	--------------	----------------

**To Magistrate Judge James D. Hodges, Jr.  
at Cedar Rapids**

Nancy Nowak	San Antonio TX	1982 - 1983
Dennis Cohen	Muscatine	1983 - 1984
Thomas Diehl	Iowa City	1984 - 1985
Pamela Jo Lewis	Cedar Rapids	1985 - 1986
Anna Wirt O'Flaherty	Cedar Rapids	1986 - 1988

**To Magistrate Judge John A. Jarvey  
at Cedar Rapids**

Anna Wirt O'Flaherty	Cedar Rapids	1987 - 1988
Robert Caldwell	Kansas City MO	1988 - 1989
Brett Nitzschke	Cedar Rapids	1989 - 1991
Peter Whitmore	Denver	1991 - 1992
JoAnne Lilledahl	Cedar Rapids	1992 - 1993
Roger Mastalir	Sioux City	1993 - 1994
Jay Petig	Kansas City MO	1994 - 1995
Mona Schuchman	Chicago	1995 - 1996

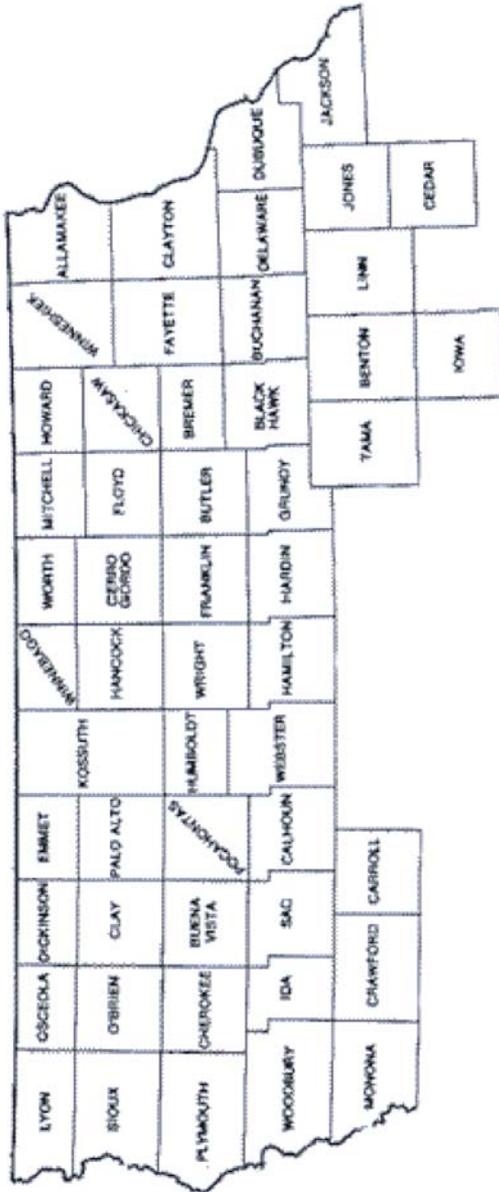
Sara VanHouten	Cedar Rapids	1996 - 1997
Tim Semelroth	Cedar Rapids	1997 - 1998
Lisa Stephenson	Cedar Rapids	1998 - 1999
Iris Frost	Iowa City	1999 - 2000
Jennifer K. Swartz	Cedar Rapids	2000 - 2001
Ben Dvergsten	Cedar Rapids	2001 - 2002
Renee Wiszowaty	Cedar Rapids	2002 - Present

**To Magistrate Judge Paul A. Zoss  
at Sioux City**

Thomas E. Maxwell	Virginia	1998 - 2000
Lisa J. Marshik Prostrollo	Sioux Falls SD	1999 - 2000
Tomme Fent	Sioux City	2000 - Present

APPENDIX B, Map of the Northern District of Iowa

Iowa



The northern judicial district of Iowa encompasses 25,120 square miles. The mileage between these two cities and the remaining court points in the northern district is charted below.

	Mason		
	Cedar Rapids	Dubuque	Fort Dodge
Cedar Rapids	-	74	163
Sioux City	268	316	121
			Sioux City
			Waterloo
			268
			64
			228



APPENDIX C

1971-1986 NATURE OF SUIT TABLE

<b>Statistical Year</b>	<b>1971</b>	<b>1972</b>	<b>1973</b>	<b>1974</b>	<b>1975</b>	<b>1976</b>	<b>1977</b>	<b>1978</b>	<b>1979</b>	<b>1980</b>	<b>1981</b>	<b>1982</b>	<b>1983</b>	<b>1984</b>	<b>1985</b>	<b>1986</b>	<b>Total</b>
<b>Contract</b>	48	61	43	56	41	52	52	70	93	172	115	184	228	251	284	238	190
<b>Real Property</b>	8	6	12	10	12	20	8	11	21	32	36	77	86	72	85	85	214
<b>Torts-Personal Injury</b>	43	45	79	53	49	55	51	54	53	69	81	82	94	106	72	66	252
<b>Torts-Personal Property Damage</b>	1	15	5	7	5	9	6	6	11	11	14	21	20	34	25	29	224
<b>Civil Rights</b>	8	16	9	19	16	23	29	25	28	24	35	25	40	52	54	75	236
<b>Prisoner Petitions</b>	5	8	16	13	31	23	29	37	41	83	57	71	82	86	78	105	243
<b>Forfeitures &amp; Penalty</b>	5	8	12	10	9	4	5	5	7	6	6	5	3	9	6	14	261
<b>Labor Laws</b>	9	10	17	14	16	15	14	20	29	20	28	21	35	28	30	19	295
<b>Property Rights (Copyright, patent, trademark)</b>	9	6	4	5	8	9	11	10	7	5	8	8	9	19	10	8	349
<b>Social Security</b>	1	1	4	6	3	4	4	16	21	25	17	37	53	94	98	90	478
<b>Other Statutes</b>	53	37	51	31	46	28	42	41	38	31	36	30	97	58	56	89	433
<b>Local Questions</b>	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	561
<b>Total</b>	<b>190</b>	<b>214</b>	<b>252</b>	<b>224</b>	<b>236</b>	<b>243</b>	<b>261</b>	<b>295</b>	<b>349</b>	<b>478</b>	<b>433</b>	<b>561</b>	<b>747</b>	<b>809</b>	<b>798</b>	<b>818</b>	

APPENDIX C

Caseload Profile of The Northern District of Iowa  
September 30, 1987 thru September 30, 2000

Year	Total Private Civil Cases	Private Cases													Labor Suit	All Other
		Contract	Real Property	FELA*	Marine Person Injury	Motor Vehicle Person Injury	Other Person Injury	Other Tort Actions	Civil Rights	Habes Corpus General	Condition and Civil Rights	Mandamus and Other	Copy-right, Patent, Trademark			
1987	468	129	12	4	0	18	40	12	46	14	60	1	17	20	95	
1988	447	83	17	3	0	18	38	15	42	19	125	6	11	17	59	
1989	341	73	11	4	5	13	38	14	37	17	67	0	11	16	35	
1990	397	53	10	4	0	22	42	15	28	20	145	0	12	23	23	
1991	448	69	1	11	0	19	36	3	36	17	193	0	11	17	35	
1992	443	47	2	7	0	18	39	7	51	13	198	0	14	31	16	
1993	481	36	3	6	0	18	38	15	61	34	199	0	18	25	28	
1994	519	53	2	4	0	21	34	8	108	21	206	0	10	27	25	
1995	702	53	4	0	0	18	37	12	109	44	328	0	11	31	55	
1996	779	61	2	3	2	19	42	4	123	64	337	0	14	20	88	
1997	496	65	4	2	0	12	30	7	118	64	112	0	9	38	35	
1998	404	58	4	4	5	12	47	16	102	48	62	1	6	22	17	
1999	411	70	0	2	5	17	46	8	106	28	56	0	14	33	26	
2000	403	53	6	5	2	14	33	12	108	48	60	5	8	26	23	

APPENDIX C

Caseload Profile of The Northern District of Iowa  
September 30, 1887 Thru September 30, 2000

Year	U.S. Cases															
	Total Cases	Contract	Real Property	FELA*	Tort Actions	Anit Trust	Civil Rights	Motion to Vacate Sentence	Habeas Corpus General	Death Penalty	Prisoner Petitions and Civil Rights	Mandamus and Other	Forfeitures and Penalties	Social Security	Labor Suit	All Other
1987	362	100	108	0	5	0	5	3	0	0	1	0	15	101	2	22
1988	336	74	101	0	9	0	2	10	0	0	2	0	14	103	3	18
1989	224	43	31	0	3	0	5	8	0	0	0	0	14	91	4	25
1990	190	47	52	0	5	0	5	13	0	0	0	1	8	37	1	21
1991	210	54	40	0	5	0	5	30	0	0	0	0	13	48	1	14
1992	202	63	22	0	6	0	3	23	1	0	1	0	17	54	2	10
1993	157	15	15	0	7	0	3	17	0	0	1	0	18	73	1	7
1994	144	6	13	0	3	1	3	23	1	0	0	0	12	67	1	14
1995	182	9	26	0	8	0	2	35	1	0	0	0	7	76	1	17
1996	189	37	23	0	6	0	2	47	0	0	0	0	2	58	0	14
1997	232	54	14	0	3	0	4	58	0	0	0	0	6	80	2	11
1998	193	52	20	0	8	0	0	23	1	0	0	0	3	68	1	17
1999	226	76	11	0	4	0	3	23	1	0	0	0	5	89	0	14
2000	260	112	11	0	5	0	1	34	1	0	3	0	6	73	0	14

APPENDIX C

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End
1882 (all Iowa)		195	829			14	250	194	815		161	140
1883	205	74	184	1*	1	0	204	73	184	122*	80	72
1884	179	143	221	1*	0	1	178	143	220	136*	143	35
1885	194	149	256	1*	1	1	193	148	255	131*	29	37
1886	169	180	254	0*	0	1	169	180	253	119*	124	32
1887	115	127	242	0*	0	1	115	127	241	146*	107	71
1888	54	114	182	2*	0	3	52	114	179	93*	119	45
1889	75	80	171	2*	3	2	73	77	169	179*	175	49
1890	70	69	163	4*	3	3	66	66	161	193*	194	48
1891	49	59	139	0*	2	1	49	57	138	115*	149	14
1892	56	89	108	5*	2	4	51	87	104	135*	131	18
1893	58	61	105	0*	1	3	58	60	102	102*	103	17
1894	83	65	123	2*	1	4	81	64	119	202*	140	79
1895	58	64	117	1*	0	5	57	64	112	116*	178	17
1896		64	107		0	0	59	64	107		124	28
1897		66	105		0	2	61	66	103		95	38
1898	47	56	96	3*	2	3	44	54	93	126*	120	44
1899	57	59	94	2*	3	2	55	56	92	68*	87	25
1900	54	63	85	1*	0	3	53	63	82	96*	105	16
1901	91	47	129	2*	0	5	89	47	124	56*	58	15
1902		69	124		2	0	67	67	124	54*	51	17
1903		79	136		0	2	89	79	134	29*	24	22
1904	94	81	139	1	1	2	93	80	137	26	28	20
1905	89	94	134	0	1	1	89	93	133	25	26	19
1906	84	73	145	0	0	1	84	73	144	20	24	15

APPENDIX C

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending End Year	Com-menced	Termi-nated	Pending Year End
1907	67	91	121	1	1	1	66	90	120	27	20	3
1908	66	38	135	8	2	9	58	36	126	46	32	35
1909	103	107	151	5	8	6	98	99	145	117	74	78
1910	92	75	168	15	8	13	77	67	155	63	80	61
1911	45	71	64	14	18	7	31	53	57	52	55	58
1912	79	66	94	10	11	5	69	55	89	97	84	71
1913	78	93	79	25	24	6	53	69	73	111	96	86
1914	134	95	105	17	12	10	117	83	95	68	103	51
1915	104	92	96	21	11	21	83	81	75	83	84	50
1916	171	124	137	52	49	18	119	75	119	64	64	56
1917	97	129	105	33	35	16	64	94	89	72	73	55
1918	100	88	117	5	12	9	95	76	108	126	119	62
1919	78	70	122	14	12	11	61	58	111	102	94	70
1920	101	72	151	2	5	8	99	67	143	105	122	53
1921	107	68	190	15	8	15	92	60	175	272	261	64
1922	159	81	268	7	9	13	152	72	255	332	326	70
1923	142	125	285	18	15	16	124	110	269	412	309	173
1924	147	102	330	23	13	26	124	89	304	310	354	129
1925	131	150	311	18	27	17	113	123	294	318	288	159
1926	192	321	182	49	48	18	143	273	164	204	207	156
1927	173	177	173	15	18	15	158	159	158	259	304	111
1928	188	231	130	21	26	10	167	205	120	255	294	72
1929	144	188	87	25	27	8	119	161	79	134	168	38
1930	239	122	204	86	53	41	153	69	163	354	334	58
1931	222	263	163	95	76	60	127	187	103	368	373	53

APPENDIX C

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending End Year	Com-menced	Termi-nated	Pending Year End
1932	251	243	171	117	100	77	134	143	94	395	392	56
1933	191	190	172	69	77	69	122	113	103	345	348	53
1934	153	169	156	42	88	23	111	81	133	127	138	42
1935	223	220	155	91	92	22	132	128	133	107	116	33
1936	150	171	134	46	50	18	104	121	116	71	71	33
1937	74	182	26	34	41	11	40	141	15	130	133	30
1938	92	96	22	54	52	13	38	44	9	82	100	12
1939	103	98	27	59	54	18	44	44	9	97	107	2
1940	95	110	12	66	75	9	29	35	3	92	89	5
1941	102	93	21	60	61	8	42	32	13	71	69	7
1942	81	78	24	41	41	8	40	37	16	97	73	31
1943	103	108	19	78	76	10	25	32	9	84	92	23
1944	130	119	30	116	105	21	14	14	9	74	78	19
1945	326	292	64	303	281	43	23	11	21	101	87	33
1946	513	472	105	477	440	80	36	32	25	80	87	26
1947	223	275	53	166	227	19	57	48	34	93	108	11
1948	113	116	50	49	62	6	64	54	44	70	76	5
1949	129	131	48	73	56	23	56	75	25	57	58	4
1950	136	137	47	61	64	20	75	73	27	81	78	7
1951	125	117	55	48	55	13	77	62	42	53	54	6
1952	173	165	63	87	84	16	86	81	47	76	69	13
1953	239	234	68	147	138	25	92	96	43	64	70	7
1954	185	181	72	111	101	35	74	80	37	104	89	22
1955	169	165	76	79	94	20	90	71	56	96	100	18
1956	194	144	126	94	68	46	100	76	80	90	95	13

APPENDIX C

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending Year End	Com-menced	Termi-nated	Pending End Year	Com-menced	Termi-nated	Pending Year End
1957	196	192	130	91	94	87	105	98	87	129	131	11
1958	156	157	129	79	64	71	77	93	71	84	87	8
1959	133	145	117	669	71	61	64	74	61	111	101	18
1960	138	148	107	78	88	61	60	60	61	106	107	17
1961	144	127	124	62	69	85	82	58	85	73	84	6
1962	147	99	172	68	59	124	79	40	124	97	79	24
1963	154	166	160	66	65	111	88	101	111	89	82	31
1964	148	167	141	72	72	94	76	95	94	71	71	16
1965	170	177	134	67	69	89	103	108	89	79	72	23
1966	154	158	130	67	71	89	87	87	89	100	90	33
1967	158	167	121	71	71	80	87	96	80	73	81	25
1968	173	157	137	66	61	91	107	96	91	71	76	20
1969	171	177	131	51	63	97	120	114	97	79	58	41
1970	198	150	179	58	46	133	140	104	133	57	63	35
1971	192	210	161	53	64	126	139	146	126	82	76	41
1972	216	187	190	73	64	146	143	123	146	104	114	31
1973	254	211	233	83	82	188	171	129	188	66	59	38
1974	224	238	219	66	59	167	158	179	167	89	86	41
1975	237	213	244	71	71	191	106	142	191	120	113	50
1976	243	236	251	79	80	199	164	156	199	91	101	40
1977	262	229	284	78	72	226	184	157	226	142	138	44
1978	297	301	280	98	88	212	199	213	212	63	83	24
1979	349	342	287	139	125	205	210	217	205	55	67	12
1980	478	441	324	234	208	216	244	233	216	38	56	14
1981	433	365	392	138	150	296	295	215	296	64	47	31
1982	561	478	475	233	194	135	328	284	340	63	76	25
1983	747	619	603	344	237	206	403	346	397	67	55	37
1984	809	769	643	387	372	221	422	397	422	54	68	28
1985	798	804	637	437	436	222	361	368	415	77	69	36
1986	818	773	682	371	389	204	447	384	478	71	72	35

APPENDIX C

Caseload Profile of The Northern District of Iowa  
September 30, 1987 Thru September 30, 2000

Fiscal Year	TOTAL CIVIL CASES			U.S. CIVIL (U.S. a party)			PRIVATE CIVIL CASES			CRIMINAL CASES		
	Com-menced	Termi-nated	Pend-ent year	Com-menced	Termi-nated	Pend-ent year	Com-menced	Termi-nated	Pend-ent year	Com-menced	Termi-nated	Pend-ent year
1987	830	754	794	362	313	254	468	441	540	88	92	42
1988	783	834	743	336	348	242	447	486	501	114	76	83
1989	565	655	653	224	297	169	341	358	484	141	129	94
1990	587	625	606	190	228	124	397	397	482	137	130	122
1991	658	628	622	210	183	146	448	445	476	103	114	87
1992	645	540	726	202	162	181	443	378	545	123	101	97
1993	638	656	691	157	162	172	481	494	519	143	125	115
1994	663	635	712	144	136	178	519	499	534	107	136	79
1995	884	876	734	182	191	173	702	685	561	140	91	129
1996	968	975	721	189	212	148	779	763	573	259	248	122
1997	728	781	669	232	201	179	496	580	490	160	155	130
1998	597	639	628	193	223	152	404	416	476	161	147	144
1999	637	640	595	226	230	140	411	410	455	499	159	181
2000	663	697	564	260	263	137	403	434	427	279	242	218

\* Derived

\*\* Until 1935 closed cases had been included in the pending cases statistics. In 1935, a new reporting system was introduced and the closed cases were left out. Letter from Liz McGrath, Statistical Analysis & Reports Div., Admin. Office of the U.S. Courts, to Diana Vance-Bryan (July 22, 1986).

Information for years 1882-1963 and 1986 was obtained from the Statistical Analysis & Report Div., Admin. Office of the U.S. Courts (July 22-25, 1986) (Attorney General Reports used for 1882-1895 and 1897-1963; Dep't of Justice Report used for 1896).

Information for years 1964-1974 was obtained from the Clerk of Court, United States Courthouse, Cedar Rapids, Iowa.

Information for years 1975-1985 was obtained from the annual Reports of the Proceedings of the Judicial Conference of the United States and Report of the Director of the Administrative Office of the United States Courts, tables C-1 and D-1.

As the statistics show, the number of criminal cases have increased dramatically in the last eight to ten years. The primary reason for this is that there is a drug enforcement task force working in this area. A substantial percentage of the new criminal cases are drug cases.

**APPENDIX D, Creation of the Northern District  
H.R. Rep. No. 251, 47th Cong., 1st Sess. 1 (1881-1882)  
(Serial set vol. 2065), is reprinted below.**

**JUDICIAL DISTRICTS IN IOWA**

---

FEBRUARY 7, 1882 - Referred to the House Calendar and ordered to be printed.

---

Mr. McCoid, from the Committee on the Judiciary, submitted the following

R E P O R T :  
[To accompany bill H.R. 4166.]

*The Committee on the Judiciary submit the following report:*

The bill under consideration (H. R. 332) divides the State of Iowa into two judicial districts instead of one, as it now is, to be known as the Northern and Southern Districts.

The present judge (Hon. J. M. Love) is made the judge of the Southern District, and the President is authorized to appoint one for the Southern District. The other officers of the court, district attorney, marshal, and clerk, remain as officers of the Southern District, and those of the Northern District are to be appointed.

The two districts, for the purpose of holding court, are each divided into four divisions, and courts are to be held therein, at places named, twice each year, without expense to the United States for buildings additional to that now incurred. General provisions are enacted as to jurisdiction, & c., as in other cases.

The main question presented by the bill is the necessity for the creation of the new district in that State, with a new judge and officers and machinery of court. The other portions of the bill are but incidents which properly accompany this.

We believe the necessity for the division of the State, as asked by the bill, does exist.

The State has a population of 1,624,615 - a greater number than any other State had when it was found necessary to provide two districts, except in the case of the State of Ohio; and the business in her United States courts very much exceeds that of Ohio when so divided.

In the amount involved in judgments rendered it is fourth in rank of all the States. It covers a territory of 56,025 square miles.

The judicial force within the State should be sufficient to dispose of the business without delay. This evidently is not now possible. The Attorney General's reports show a constant and rapid increase of business pending and undisposed of each year. This renders it tedious, vexatious, and expensive to people who are brought long distances to attend in cases where, by the Constitution, jurisdiction is conferred on these courts, and there kept waiting indefinitely for a hearing, or sent home to return again and again at succeeding terms until tardy justice becomes itself a wrong. Of this class of cases pending and un-disposed of, and in which the United States was not a party, we make the following table from the reports of the Attorney General:

July	1	876,	there were	600
July	1,	1877,	there were	678
July	1,	1878,	there were	704

July	1,	1879,	there were	758
July	1,	1880,	there were	870
July	1,	1881,	there were	975

There are special reasons why the Federal business in the State of Iowa is very large and will continue to be so in the future. Besides the growth of commerce, her increase of population and wealth, and the multiplication and extension of railroads, there is a class of business which, as these courts have jurisdiction of controversies between citizens of different States by constitutional provisions, goes largely to them, such as that of foreign insurance companies, loan associations, railroad companies, and all suits by or against foreign corporations. The State has no great commercial center in which these branches of business can yet be sustained and compete with such companies in more natural and wealthy centers in other States, and therefore a large part of all this character of business is with citizens of other States; and there is every reason to believe that the burden of this business in the Federal courts will increase.

The evils which follow this condition of the Federal courts in that State are:

First. The great expense to the people who are brought to these courts, to both parties and witnesses, often amounting to a denial of justice.

Second. The heavy and useless expense to the government in witness fees and jury fees growing out of the length of time they are held awaiting the reaching of cases.

For the year ending June 30, 1881, the court expenses in Iowa were \$77,017.76, of which sum \$30,658 was for juries and witnesses. The total court expense for Iowa for the eight years ending June 30, 1881, was \$611,760.78. This would have been reduced had there been facilities for disposing of the business with promptness, and if the courts had been nearer to the people.

In fact, to increase the judicial districts as provided for in the bill reported may safely be regarded as a measure of ultimate economy as well as of necessity.

Third. From necessity the causes are heard by one judge, thus cutting off the right of appeal to the Supreme Court. The business is such that the judges hold court day and night, and even when two are present at a time they are compelled to separate and run two courts in different rooms at the same time. This results in the actual deprivation of right to litigants.

The eighth circuit comprises the States of Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, and Colorado. There are in it, annually, twenty-nine terms of the circuit court. The law contemplates that the circuit judge will attend these terms, but he cannot.

The circuit justice, owing to the great labor required to the business of the Supreme Court, cannot attend or help but little, and the district judge alone has to transact two-thirds of the business of the circuit court.

His honor Associate Justice Samuel F. Miller, says of it:

The State has always been one in which the Federal courts were much resorted to, and their dockets are always crowded. The necessity of additional judicial force is therefore clear.

His honor Circuit Judge George W. McCrary, says:

The business of the district and circuit courts in this State is now so great as to make an increase of the judicial force an absolute necessity. It is much larger than the business in many other States which have long since been divided into two or more districts \* \* \* It is a measure of absolute justice to Judge Love, whose present duties are very onerous.

His honor Judge Love, writing to Senator Allison on this subject as far back as March 10, 1877, said:

I do hope that whatever objections may be made to the increase of judges in other States will not be applied to Iowa. Iowa is, considering its extent, population, and amount of judicial business an exceptional case. The interests of suitors and the requirements of justice imperatively demand the services of another judge in this State. There is not, I believe, another State in the Union of equal extent and population to Iowa in which provision has been made for no more than one district judge.

Hon. John F. Dillon, Judge McCrary's predecessor on the circuit bench, wrote to the Iowa delegation and the Judiciary Committee of the House on March 11, 1878, as follows:

GENTLEMEN: Iowa is the only State in the eighth circuit in which the business of the circuit courts is seriously behind.

With the utmost efforts of the judges in Iowa, sitting separately and giving the courts all the available time, they have not been able for some years to clear the docket or keep down arrearages. The number of the causes is constantly increasing. There are about six hundred causes on the docket of the circuit court.

The public interests, and particularly the interests of suitors, urgently require relief, which can be provided only by an increase of judicial force.

The appointment of another district judge would, in my opinion, give the necessary relief and satisfy the bar, who feel a deep interest in having the present condition of things remedied.

There must, in the judgment of the committee, be some remedy provided. The case is one of pure necessity.

The people and the press of all parties in the State unite in complaint of the evil as a grievous one.

Several amendments were adopted by the committee to the bill as introduced: one in the second section, striking out the increase of salary of judges; one in the fifth section, creating the Southern Division of the Northern District; one at the end of the sixth section, providing that the additional courts at the places in the several divisions provided by the act shall be held in buildings provided for that purpose without expense to the United States. The eighth section is added; and your committee have prepared a substitute incorporating these amendments, and report it, with the bill, and recommend that the substitute be adopted and do pass.